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THE
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By EDWARD PARKYNS LEVINGE, Esq.,

BARRISTER-AT-LAW.

SECOND EDITION,

CONTAINING

The Criminal Consolidation Acts, and the Act to amend the Laws relating to
the Fisheries in Ireland (1863).

PREFACE TO SECOND EDITION.

THE former Edition of this work was published in the year 1860, since which period many changes have been effected in the law brought under the consideration of the reader. The Criminal Law Consolidation Statutes have made a material alteration in the catalogue of offences, as well as in the provisions of the Summary Jurisdiction Act. It is not the Editor's province to state whether those changes are improvements or not; but he considers that it was mistaken legislation to touch the everyday code of reference so properly classified in one statute. The volume now produced to the reader contains nearly double the quantity of new matter, although the number of its pages closely corresponds with that of the former edition. This is accounted for by the omission of the side notes, the use of smaller type throughout the work, and the re-arrangement of the Index. By these means a greater amount of useful information is presented to the Magistrates and practitioners, while the size of the volume is not increased.

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THE  
JUSTICE OF THE PEACE

FOR  
IRELAND:

GIVING, IN AN ABRIDGED AND ALPHABETICAL FORM AND ORDER,  
THE SEVERAL OFFENCES AND OTHER CAUSES OF COMPLAINT:  
THE SUBJECTS OF *SUMMARY ADJUDICATION*;  
THE STATUTES RELATING THERETO;  
THE EXTENT OF JURISDICTION;  
AND WHETHER TRIABLE BY ONE OR MORE JUSTICES  
AND, IN LIKE ALPHABETICAL ORDER,  
AN EPITOME OF THE CRIMES AND OFFENCES *TRIABLE BY INDICTMENT*.

AND, AS AN  
APPENDIX,

“THE PETTY SESSIONS (IRELAND) ACT, 1851,”

(WITH NOTES POINTING OUT TO WHAT EXTENT IT IS APPLICABLE TO OR AFFECTED BY PRIOR  
AND SUBSEQUENT LEGISLATION);

ABSTRACTS OF OTHER USEFUL AND IMPORTANT STATUTES;  
FORMS TO BE USED IN PARTICULAR CASES;  
AND THE CIRCULAR LETTERS ISSUED FROM DUBLIN CASTLE FOR THE  
DIRECTIONS AND GUIDANCE OF THE MAGISTRATES AND THE  
CLERKS OF PETTY SESSIONS.

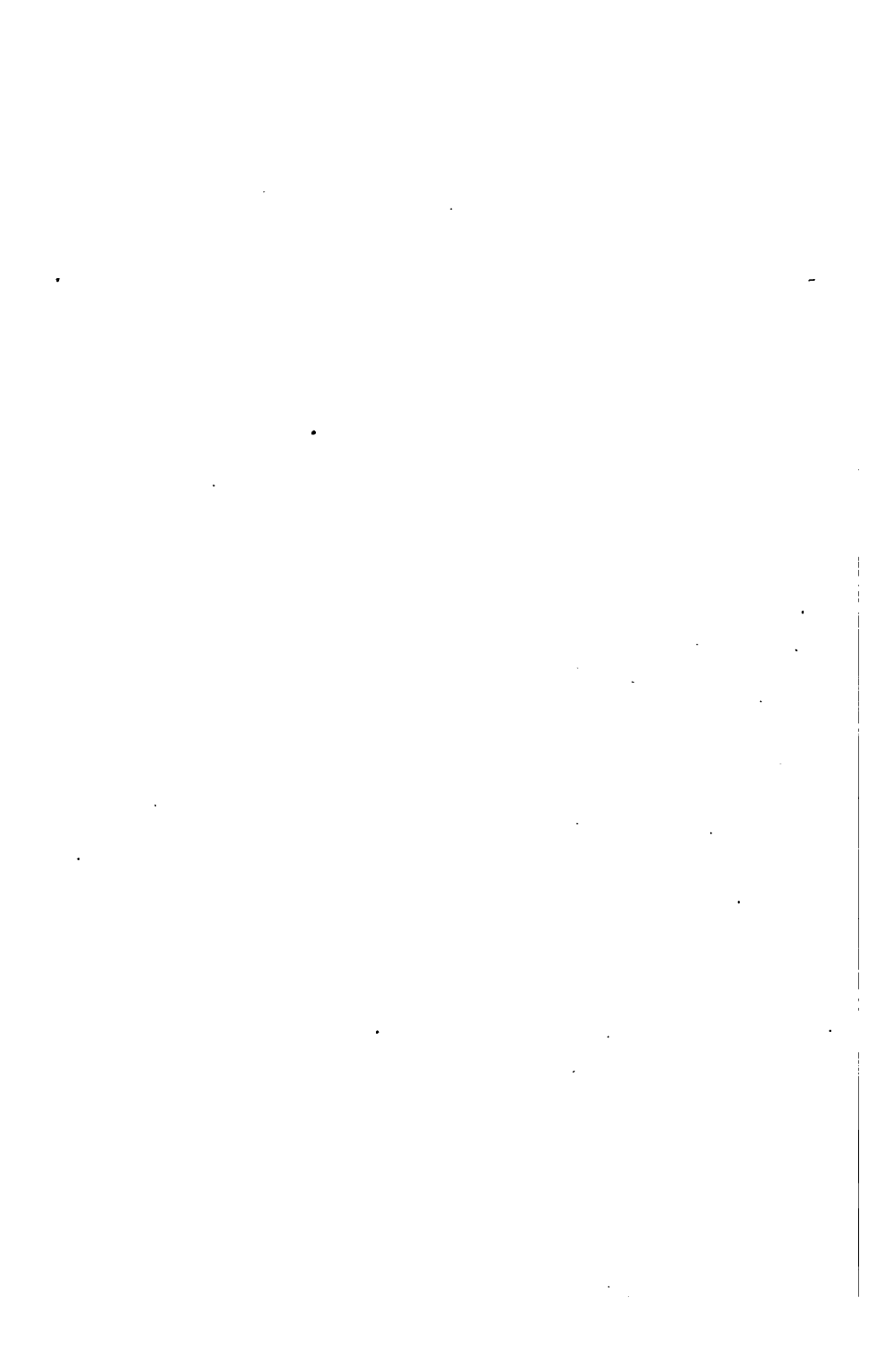
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HENRY HUMPHREYS,  
CHIEF CLERK, CORK POLICE COURT.

Third Edition.



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HODGES, SMITH AND CO., 104, GRAFTON STREET,  
BOOKSELLERS TO THE HON. SOCIETY OF KING'S INNS.

1867.



## PREFACE TO THE THIRD EDITION.

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It is four years since the last Edition was published, and the work has been some time out of print. The favourable opinion of those most competent to judge of its merits, and the many applications made for a further issue, induced the Author to prepare a Third Edition. The design and plan are the same, but it is not to be taken as a mere reprint of the former. Since the publication of the Second Edition many important Acts have been passed which have rendered important changes and additions needful, such as those relating to Registration of Births, Marriages, &c., Vaccination, Property of Married women, Beer Houses, Dogs, Law of Evidence in Criminal Cases, the complete alteration in the Fishery Laws, and the Public Health Acts, &c. &c. These demanded much more time and labour than the Author had anticipated, and than the mere analysis, without further examination, would indicate. All however have been carefully incorporated with the text, and some additional notes and observations have been added which have considerably enlarged the work ; but the sole object was to render it more useful.

BLACKROCK, COEK,

*February, 1867.*

## PREFACE TO THE FORMER EDITIONS.

---

THE powers, authorities, and duties of a Justice of the Peace depend upon his Commission, and upon the several Statutes which create objects of his jurisdiction, and by prescribed, specific, and general rules, direct and control the exercise of that jurisdiction.

These all are, with sufficient certainty, ascertainable; yet they are so manifold and diversified that to recur to them when needful—to know what Statutes are repealed and what remain in force—is, even to those who make the law their profession, oftentimes matter of perplexity.

Some very useful and elaborate works have been written for the assistance and guidance of the Bench and the profession, but as their authors felt it necessary to give the fullest attainable information on the subjects treated, with disquisitions on the numerous settled and unsettled cases, and on the technical difficulties and subtleties which occasionally may have to be encountered (always assuming that their readers must be accustomed to study of the law and the observing of statutable arrangements); it could not, at the same time, be expected of them to depart from the usual and established order, solely and simply to set down collaterally, and within the easy reach and comprehension of the youngest and least experienced Magistrate, the offence, &c., statute, chapter, and section bearing upon it, the extent of jurisdiction, and how his decision or order should be enforced, but which unmingled information is nevertheless the most important and



essential, as being indispensable to enable any Magistrate, it matters not what may be his other judicial acquirements, to adjudicate safely, properly, and according to law, in any ordinary case.

For the exercise of good sense, firmness, and sound discretion, Justices of the Peace also find abundant opportunity. They, not unfrequently, have most trying and difficult duties to perform, and orders to enforce, in deciding and determining unpleasant quarrels and disputes between their fellow-citizens, their neighbours, the tenants on their own or adjoining demesnes, but in doing so are sustained by the assurance that they are performing imperative duties in administering the laws of the land; and, in general, it will be found, even with the humblest class, that that decision which is, and also seems to be, founded upon the law, alone affords satisfaction and insures respect. But should the Justice, regardless of his power (under which must be included the knowledge) derived from the law, proceed to judicially exercise his office, he would soon discover himself to be extremely helpless, and perhaps to be expensively mistaken.

It is quite true that he is amply protected while acting "*bonâ fide*, and under the belief that he is acting in the execution of his duty, and in a manner within his jurisdiction," and that, too, where his error may, to some extent, be of the law as well as of the fact. It is otherwise where, altogether exceeding his jurisdiction, "he assumes to do that which under no circumstances can be justified by his authority."

That duties, then, if so much consequence should not remain matters of indifference or mere conjecture, in addition to positive enactments, the Government instructions require that the Justice shall, when making any order, set forth particularly the Act of Parliament authorizing what he has done. It is further required that the officer of the Court shall make it appear on the commitment of any person summarily convicted; so that it is absolutely necessary that in all cases the Statute be consulted, and that the habit be kept up in the Court.

The obvious necessity for this repeated and continued reference, and the danger and uncertainty of relying on a mere act of the memory, suggested to the author the idea of some such facile and

ready help as the following Index and Abridgment, which he confidently expects will, on trial, prove to have been compiled with care and accuracy, for on these depends its usefulness.

Its phraseology is that of the Statutes: and if his endeavours but accomplish what the title-page proposes, the size, which with less trouble might have been doubled (it being easier to copy than to compress), instead of condemning may, on the contrary, prove its highest commendation.

Some Acts and Bye-Laws of very limited application are omitted; these, it was considered, would but enlarge the work without proportionate advantage.

An epitome of the crimes and offences triable by indictment is given. In the *Appendix* will be found the "Petty Sessions Act," with such notes and observations thereon as were considered useful, or called for by recent legislation; this Act, being the consolidation of the duties of Magistrates, and the machinery for regulating their proceedings under almost all other Statutes, is indispensable; without it any work on the office of Magistrates would be incomplete. The principal sections of the "Towns Improvement Act," the "Police Clauses Act," the "Law of Evidence," and the substance of other useful and important Statutes are added.

As to the *practice* in proceedings before Justices, it was not deemed necessary to incumber the work or the practitioner with any lengthened introductory observations on the subject; there is in reality no place for such. The officer of the Court will prepare all *forms* and afford the requisite information, and anything else which may be learned or known without *experience* or actual practice will be found in the Petty Sessions Act.

What was considered useful is introduced under each particular head, the design being to supply all requisite information, to leave nothing in obscurity where clearness is expected, and at the same time, keep the whole within proper limits.

H. H.

CORK, February, 1863.

PRINCIPLES and ESTABLISHED MAXIMS TO BE OBSERVED in the CON-  
STRUING of STATUTES and ADMINISTRATION of the LAW.\*

Where a statute directs the doing of a thing for the sake of justice or the public good, the word *may* is the same as the word *shall*.

The rules even of grammar and logic are overlooked, when the *intention* of the parties is evident, but opposed to the compliance with these rules: this also applies to the construing of Acts of Parliament, *mala grammatica non vitiat chartam*.

If the expression be dubious, the sense must be derived from the intent, and if the intent be dubious, it must be derived from the express words. If both be dubious, no rational interpretation can be formed; but if both be clear, but adverse to each other, the intent shall prevail.

The meaning and intention of the law should be collected from the several parts of the Act taken together, or from a single part when not opposed to the collected sense. Also from the occasion of enacting it, ascertained by the history of the times, and an attentive retrospect of previous regulations relative to the same object, as well as of the nature of the Act, whether it be remedial or penal, and other circumstances.†

The law presumes a man to be innocent until the contrary is proved, or appears from some stronger presumption.

When a man commits an unlawful act, unaccompanied by any circumstances justifying its commission, it is a presumption of law that he has acted advisedly, and with an intent to produce the consequences which have ensued.

\* Maxims or established principles are said to be of use in bringing disputes to a conclusion, by silencing obstinate wranglers and cavillers, whom any one is excused from longer arguing with, when they deny these general principles that are received by all reasonable men. But men are allowed to oppose and resist evident truth till they are baffled, *i. e.*, till they are reduced to contradict themselves, or some established principle which they themselves cannot but own to be true, and cannot be receded from by either side.

† "The interpretation of the statute law is not different from the interpretation of every other thought expressed in language; as for instance is expressed in Philology. But its particular character shows itself when we decompose it into its constituent parts. Thus we may distinguish in it four elements: a grammatical, a logical, an historical, and a systematical. The grammatical element of interpretation has for its object the words, which procure the passage or transition of the thought of the legislator, into our thought: it consists therefore in the explanation of the language of the statute, used by the legislator. The logical element proceeds upon the dismemberment or decomposition of the thought; and also upon the logical relation, in which its individual parts stand to each other. The historical element has for its object, the state or condition of the rules of law existing at the time of the statute, enacted for the legal relation in question. Finally, the systematical element refers to the internal connecting link, which binds together all the institutions and rules of law, into one grand vast unity. This connected whole had hovered or floated before the eyes of the legislator, as well as the historical, and we shall know his thoughts then only completely, when we make it clear to ourselves, in what relation this statute stands to the whole system of law, and how it will effectually act upon the system. With these four elements, the investigation into the contents and import of the statute is complete." *Savigny, System, Reddie's Science of Law.*

The law of England respecteth the effect and substance of the matter, and not every nicety of form or circumstances.

The law compels no man to impossible things.

An excuse cannot be founded on an ignorance of the law, which every man is supposed to know.

All crimes have their inception in a corrupt intent, and their consummation and issuing in a particular fact, which, though it be not the fact at which the intention of the malefactor was levelled, yet the law giveth him no advantage of the error. "It would be infinite," says Lord Bacon, "for the law to judge the causes of causes, and their impulsions, one upon another; it therefore contenteth itself with the immediate cause, and judges of acts by that alone, without looking to any further degree."

Justice shall be preferred to generosity.

*Customs.*—The evidence of every particular custom must be proved, before the Court will take notice of it; and when proved the next inquiry is into the legality of it, for *malus usus abolendus est*. To make a particular custom good, it must be ancient, that is, in use so long that the memory of man runneth not to the contrary, uninterrupted, peaceably acquiesced in, reasonable, certain, compulsory, and consistent.

The Law constrains no man to accuse himself of a crime, and every oath of testimony is imposed with this tacit reservation. It is a general rule that no one is bound to answer so as to subject himself to legal punishment, in whatever manner that punishment may arise, or whatever may be the nature of the punishment.—*Accusare nemo se debet nisi Coram Deo*.

No private contract or agreement prejudicial to common right, or repugnant to the general interest of the common wealth shall prevail in Law.

Where a statute directs or prohibits the doing of any act and no other penalty or punishment is provided, any disobedience is punishable by indictment at Common Law. It is said that the Law never speaks but to command, nor commands but where it can compel.

A statute which treats of persons or things of an inferior rank, cannot by any *general words* be extended to those of a superior.

*Remedial Statutes* are made to supply defects in the Common Law, whether arising from the general imperfection of human laws, or the mistakes and unadvised determinations of unlearned judges; and this is done by *enlarging* or *restraining* statutes.

An Act of Parliament that imposes a penalty or inflicts a punishment is called a penal statute.

*Penal Statutes* are to be construed *strictly*, and *Remedial Statutes* are to be expounded *liberally*.

When it is said that penal statutes are to be construed *strictly*, the meaning is that they shall not be *extended* by doubtful and ambiguous words, and that the punishment shall not be increased beyond what the Law requires.

An Affirmative Statute does not take away the Common Law,—a negative does so completely, so that it cannot be afterwards made use of upon the same subject.

*What the Laws of England are.* The Laws of England are of two kinds: the Statute or written Law, and the Common or unwritten Law. The Statute Law depends upon the will of the Legislature of the Kingdom.

Common Law is a *rule of justice* throughout the Kingdom, and is constituted of the Laws of nature, of nations, and of religion,—certain general customs, principles, &c.; they are called *unwritten* Laws, because the authority for them is not expressed and published in the same manner as the Acts of the Legislature, but they are not to be considered as merely oral, and handed down from age to age by word of mouth, for there are monuments or memorials of their existence in writing, either

by established maxims, declaratory statutes, pleadings, reports, &c. They have grown into use and have acquired their binding force and power by immemorial usage and general reception.\*

The Common Law is the same in Ireland as in England.

### THE DISCRETIONARY POWER POSSESSED BY JUSTICES OF THE PEACE.

A Justice of the Peace is invested with sufficiently large discretionary powers. Positive Laws define the offences and prescribe the degree or extent of punishment. The limits are fixed, but within these he is *free* to exercise his discretion; that is, he is solemnly *bound* without fear or favour to do "equal right to the poor and to the rich after his cunning wit and power and after the laws and customs of this realm and the statutes thereof made." This is the scope of his commission and the extent of his power which it is expected he will exercise with proper discernment and a sound distinguishing judgment, within the bounds of Statute and Common Law, and the *Common Law* is said to be *reason*. Here he will need discretion, firmness and a knowledge of his duty: here he must endeavour to get rid of those scruples and doubts that are based on no solid reason, but arise from false delicacy or a dubious and irresolute conscience influenced by slight and frivolous difficulties. He is also bound to administer the Law as he finds it: and therefore, although the will of the Legislature may not always correspond with his own it does not become him, or indeed any judge, to set up in a hasty and inconsiderate manner his own will or ethical superiority to override the jurisprudence of the country.

In looking over the following Analysis it will perhaps be observed that punishment does not always seem proportionate to guilt. To instance some cases:— For the offence of open and profane cursing and swearing the penalty is 1s., (if of the degree of gentleman 2s.); For hawking and selling (without license) the smallest measure of spirits the penalty is up to £100. For *stealing* a turkey, a goose, or any barn-door fowl, the penalty is not to exceed 20s. For *taking* or even *purseing* (without licence) a *Snipe* in the "wild common of nature," where one would suppose it capable of asserting its independence by its swiftness, the penalty is £20; and so on. The Magistrate may consider that the punishment in such cases are unequal and should be inverted, but though no other answer be requisite than that such is the expressed will of the Legislature, which on the principle of general utility has a right to erect certain acts into offences—to prohibit

\* *The Common Law*. Lord Baron says that our Laws are as mixed as our language, compounded of British, Roman, Saxon, Danish and Norman customs; and as our language is so much the richer, so the laws are the more complete. Sir Matthew Hale says that "the original of the Common Law, is as undiscoverable as the head of the Nile. Mr. Hallam, however is of opinion that our Common Law is not of that high antiquity which is generally supposed. "Our English Lawyers prone to magnify the antiquity, like the other merits of their system, are apt to carry up the date of the Common Law, till like the pedigree of an illustrious family it loses itself in the obscurity of ancient time. Even Sir Matthew Hale does not hesitate to say that its origin is as undiscoverable as that of the Nile. But though some features of the Common Law may be distinguishable in Saxon times, while our limited knowledge prevents us from assigning many of its peculiarities to any determinable period, yet the general character and most essential parts of the system were of much later growth." *Middle Ages*, vol. ii. chap. 8.

and to punish them—that it is not contrary to any the great original foundations upon which all human laws depend; that the Law is to govern him and not he the Law. Still it may for his satisfaction further be remarked, that the guilt of the offender is not *always* to be the measure of punishment, the proper end of punishment is the prevention of Crime. The Legislature will take into account the ease and facility with which offences can be committed; the difficulty of detecting, preventing and prosecuting; the indifference of the greater portion of the community respecting some offences *created by Law*, while with respect to others all are ready to become detectives, and to rise in armed hostility to take summary vengeance on the malefactor—“the more deficient in certainty a punishment is, the severer it should be,” but always proportioned to age, sex, condition, fortune, individual habits, and many other circumstances. The rule that should be impressed upon the mind of every Judge and Justice of the Peace is, that when anything is left to be done according to his discretion the Law intends it must be done with sound discretion and according to Law. *Discretion*, says Lord Coke, is “to discern between right and wrong, shadow and substance, equity and colourable gloss, and not to do according to our will and private affections.” It is proper also to observe that the discretion allowed by the Law to a Magistrate, is to be exercised within prescribed bounds, and in matters clearly defined and within his jurisdiction, for, as Dr. Paley observes—“This is the alternative; either the Law must define beforehand, and with precision, the offences which it punishes, or it must be left to the *discretion* of the Magistrate to determine upon each particular accusation, whether it constitutes that offence which the Law designed to punish or not; which is, in effect, leaving to the Magistrate to punish or not to punish, at his pleasure, the individual who is brought before him; which is just so much tyranny. Where, therefore, the distinction between right and wrong is of too subtle or of too secret a nature to be ascertained by any preconceived language, the Law of most countries, especially of free states, rather than commit the liberty of the subject to the discretion of the Magistrate, leaves men in such cases to themselves.”—“*Law of the Land*,” chap. iii. And of the dangers likely to result from a judicial license or discretion of this nature in the hands of any Judge, the following picture is drawn by Lord Camden: “The discretion of a Judge is the law of tyrants; it is always unknown; it is different in different men; it is casual, and depends upon constitution, temper, passion. In the best, it is oftentimes caprice; in the worst, it is every vice, folly, and passion to which human nature is liable.”

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# THE JUSTICE OF THE PEACE

FOR

## IRELAND.

### SUMMARY JURISDICTION.

In the Jurisdiction Column, for the sake of brevity, the words "in default, &c.," will mean in default of payment of the penalty and of sufficient goods to satisfy the amount. H. L., hard labour. 1 J. or 2 J. denotes whether one or two Justices may hear the case.\*

Where the words are "fine or imprisonment," omitting the words "in default, &c.," it will be found that the words of the Statute are followed, which leaves it in the discretion of the Justice either to impose the fine or to inflict the punishment without a fine.

| Offence, or cause of Complaint.                                                                                          | Statute.                      | Extent of Jurisdiction.                                                    |
|--------------------------------------------------------------------------------------------------------------------------|-------------------------------|----------------------------------------------------------------------------|
| <b>ABETTORS:</b><br>Aiders or abettors in offence of simple larceny, where the age of offender does not exceed 14 years. | 14 & 15 Vic.<br>c. 92, s. 6.  | Punishable as the principal offender. See "Larceny by Juvenile Offenders." |
| In offences punishable on summary conviction under the Larceny Act.                                                      | 24 & 25 Vic.<br>c. 96, s. 99. | Punishable as the principal offender. See "Larceny."                       |

\* *Number of Justices Requisite.*—It will be seen that two Justices are sufficient to try any case to be decided in Petty Sessions, in most instances one is only requisite. Indeed it will, perhaps, in general be found that the decision of one or two affords less ground for objection than that of a greater number. On this subject a moral and political philosopher has sharply observed—"Judges, when they are numerous divide the shame of an unjust determination; they shelter themselves under one another's example; each man thinks his own character hid in the crowd: for which reason the Judges ought always to be so few, as that the conduct of each may be conspicuous to public observation; that each may be responsible in his separate and particular reputation for the decisions in which he concurs."

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Statute.                                                                                                         | Extent of Jurisdiction.                                                                                                                                                                                                                                                                                                                                                                                                                           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>ABETTORS—continued.</b><br/>           In offences on summary conviction, under the Malicious Injuries Act.</p> <p><i>In Misdemeanors.</i>—Whosoever shall aid, abet, counsel, or procure the commission of any misdemeanor, whether same be a misdemeanor at Common Law, or by virtue of any Act passed, or to be passed.</p> <p><i>Under Petty Sessions Act.</i>—Every person who shall aid, abet, counsel, or procure the commission of any offence, which is or shall be punishable on summary conviction—</p> | <p>24 &amp; 25 Vic. c. 97, s. 63.</p> <p>24 &amp; 25 Vic. c. 94, s. 8.</p> <p>14 &amp; 15 Vic. c. 93, s. 22.</p> | <p>Punishable as the principal offender. See "Malicious Injuries."</p> <p>Shall be liable to be tried, indicted, and punished as a principal offender.</p> <p>Shall be liable, on conviction, to same forfeiture and punishment to which the principal offender shall be by law liable; but where abettor's age exceeds 14 years, he shall be liable to same punishment, &amp;c., to which a principal offender exceeding that age is liable.</p> |
| <p><b>ACCESSORIES:</b><br/>           (In felonies)* before the fact, after the fact, and accessories generally.</p>                                                                                                                                                                                                                                                                                                                                                                                                     | <p>24 &amp; 25 Vic. c. 94.</p>                                                                                   | <p>See also "Indictable Offences Index."</p>                                                                                                                                                                                                                                                                                                                                                                                                      |
| <p><b>ADULTERATION:</b><br/>           Adulterating corn, meal, flour, &amp;c., or selling or offering same for sale, not being equal to sample; or practising any fraud to increase the weight of same.</p> <p>Similar offence under. . . . .</p>                                                                                                                                                                                                                                                                       | <p>1 &amp; 2 Vic. c. 28, s. 8.</p> <p>14 &amp; 15 Vic. c. 92, s. 7.</p>                                          | <p>Penalty not exceeding £10, nor less than 40s.; in default, &amp;c., imprisonment not exceeding 1 month H.L.; and shall also forfeit the corn, &amp;c. 1 J.</p> <p>Penalty not exceeding 40s., or imprisonment not exceeding 1 month, and shall also forfeit the article.</p>                                                                                                                                                                   |

\* An accessory before the fact to a felony is one who counsels, incites, moves, procures, hires, or commands another to commit it, but is not himself present, aiding or abetting in the commission of it.—2 Hawk., c. 29, s. 16.

| Offence, or cause of Complaint.                                                                                                                                                                                                                                               | Statute.                                                | Extent of Jurisdiction.                                                              |
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| <b>ADULTERATION—continued.</b><br>Selling articles of food or drink, knowing such to contain ingredients injurious to health; or selling adulterated articles as pure. (Exceptions: medicines, foreign, British, or Colonial spirits.)<br>See also "Frauds as to Provisions." | 23 & 24 Vic. c. 84, s. 1.                               | Penalty not exceeding £5; in default, &c., imprisonment not exceeding 2 months. 2 J. |
| <b>AFFIRMATION:</b><br>In criminal proceedings may be received where witness, from conscientious motives, refuses to be sworn.*                                                                                                                                               | 24 & 25 Vic. c. 66, s. 1.                               | —                                                                                    |
| <b>AFFRAY:</b><br>See "Fighting."                                                                                                                                                                                                                                             |                                                         |                                                                                      |
| <b>AGRICULTURAL PRODUCE:</b><br>Assaulting, threatening, &c., with intent to obstruct the sale of grain, &c., or its free passage.<br>See "Assault."                                                                                                                          | 24 & 25 Vic. c. 100, s. 39. (25 & 26 Vic. c. 50, s. 2.) | Imprisonment at H. L. for any term not exceeding 3 months. 1 J.                      |
| <b>AIDERS:</b><br>See "Abettors."                                                                                                                                                                                                                                             |                                                         |                                                                                      |
| <b>ANIMALS:</b><br>See "Cruelty to Animals."<br>"Larceny."<br>"Malicious Injuries."<br>"Nuisance on Roads."                                                                                                                                                                   |                                                         |                                                                                      |

\* 24 & 25 Vic., c. 66, s. 1.—"If any person called as a witness in any Court of Criminal Jurisdiction in England or Ireland, or required or desiring to make an Affidavit or Deposition in the course of any criminal proceeding, shall refuse or be unwilling, from alleged conscientious motives, to be sworn, it shall be lawful for the Court or Judge, or other presiding Officer or Person qualified to take Affidavits or Depositions, upon being satisfied of the sincerity of such objection, to permit such person, instead of being sworn, to make his or her solemn Affirmation or Declaration, in the words following, viz.:

"I, A. B., do solemnly, sincerely, and truly affirm and declare, that the taking of any oath is, according to my religious belief, unlawful; and I do also solemnly sincerely, and truly affirm and declare, &c."

Which solemn Affirmation and Declaration shall be of the same force and effect as if such person had taken an oath in the usual form."

Sec. 2.—If wilfully false, &c., punishable as for perjury.

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                  | Statute.                       | Extent of Jurisdiction.                                                                                                                       |
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| <b>APPEAL:</b><br>Where an order is made under the 14 & 15 Vic., c. 92, for the payment of a penal or other sum exceeding 20s.; or for an imprisonment exceeding one month; or for doing anything at a greater expense than 20s.                                                                                                                                                                 | 14 & 15 Vic. c. 92, s. 23.     | In cases of a civil nature, either party may appeal; in other cases, the party against whom the order is made may appeal to Quarter Sessions. |
| <i>General Right of Appeal.</i> —A general right of appeal is given under the 14 & 15 Vic., c. 93, where the order is made for payment of any penal or other sum exceeding 20s.; or for any term of imprisonment exceeding one month; or for the doing of anything at a greater expense than 40s.; or for estreating a recognizance to a greater amount than 20s.; <i>but in no other case.*</i> | 14 & 15 Vic. c. 93, s. 24.     | In cases of a civil nature, either party may appeal; in other cases the party against whom the order is made may appeal to Quarter Sessions.  |
| The general form of appeal is given in forms in Schedule to<br>In revenue and game prosecutions under the particular Acts.                                                                                                                                                                                                                                                                       | 14 & 15 Vic. c. 93.<br>—       | —<br>A special power of appeal is given under the Poaching Act of 1862, 25 & 26 Vic., c. 114.                                                 |
| Where Magistrates refuse Publicans their annual certificate.                                                                                                                                                                                                                                                                                                                                     | 18 & 19 Vic. c. 62, ss. 1 & 2. | Special power of appeal and form of recognizance given.                                                                                       |
| Under the Small Debts Act.                                                                                                                                                                                                                                                                                                                                                                       | 22 Vic. c. 14.                 | Special power of appeal given.                                                                                                                |
| Under Larceny Act, where sum adjudged to be paid exceeds £5; or the imprisonment exceeds one month; or where the conviction takes place before one Justice only.                                                                                                                                                                                                                                 | 24 & 25 Vic. c. 96, s. 100.    | Special power and conditions of appeal.                                                                                                       |

\* The two Acts above referred to were passed in the same session; they differ in some particulars as to the conditions, or penalties, &c., which will give a right of appeal. The power or right of appeal given by chap. 92, appears merely to apply to orders made under it. Chap. 93, applies generally to orders made under all previous Statutes, except the cases under chap. 92, and also Customs, Excise, Stamps, Taxes, Post-office, and Game Prosecutions, exempted in sec. 42 of chap. 93; these must be regulated by the conditions and forms of appeal specially appointed for themselves. Chap. 93 will also apply to all convictions under all previous Acts, and will take away the right of appeal given by them, unless the penalty or punishment be such as under its (chap. 93) provisions will give that right, for the words of the section, "*in no other case,*" appear sufficiently strong to have that effect. It will also apply to summary orders under all *subsequent* Acts of Parliament that do not expressly take away the right of appeal which it gives, or provide other or different powers or conditions of appeal for themselves.

| Offence, or cause of Complaint.                                                                                                                               | Statute.                                                              | Extent of Jurisdiction.                                                                    |
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| <b>APPEAL—continued.</b>                                                                                                                                      |                                                                       |                                                                                            |
| By Malicious Injuries Act, under like circumstances.                                                                                                          | 24 & 25 Vic.<br>c. 97, s. 68.                                         | Special power and conditions of appeal.                                                    |
| Under Reformatory Act, where offender is ordered to be sent to Reformatory School.                                                                            | 21 & 22 Vic.<br>c. 103, s. 7.                                         | Offender, parent, or guardian may appeal.                                                  |
| Under Public Health Act.                                                                                                                                      | 18 & 19 Vic.<br>c. 121, s. 15,<br>16, 40.                             |                                                                                            |
| <b>APPRENTICE :</b>                                                                                                                                           |                                                                       |                                                                                            |
| <i>Ill-behaviour.</i> —Apprentice guilty of any misdemeanor, miscarriage, or ill behaviour in service, and upon whose binding no larger sum than £5 fee paid. | 25 Geo. ii.<br>c. 8, s. 4.<br>29 Geo. ii.<br>c. 8, s. 13.<br>(Irish)  | Imprisonment not exceeding 1 month H.L.; or Justices may discharge the apprentice,<br>1 J. |
| <i>Eloping, &amp;c.</i> —Apprentice eloping, running away, or wilfully refusing to learn or work.*                                                            | 81 Geo. iii.<br>c. 23, s. 3.<br>(Irish).                              | Imprisonment not exceeding 3 months.<br>1 J.                                               |
| <i>Cruelty.</i> —With whom only £5 paid, on complaint against master for misusage, refusal of necessary provision, cruelty, or other ill-treatment.           | 25 Geo. ii.<br>c. 8, s. 3.<br>29 Geo. ii.<br>c. 8, s. 13.<br>(Irish). | Justice may, by warrant or certificate under his hand, discharge the apprentice.<br>1 J.   |
| With whom not exceeding £10 (fee) paid on complaint against master for ill-usage.                                                                             | 59 Geo. iii.<br>c. 92, s. 5.                                          | Fine not exceeding 40s.; in default, &c., imprisonment not exceeding 10 days.<br>2 J.      |

\* The other portion of the section, that is, the offence of malicious mischief by "defacing or spoiling work," is repealed by 9 Geo. iv., c. 53. The offence can now be dealt with under the Malicious Injuries Act, 24 & 25 Vic., c. 97, ss. 52 & 59.

Apprentices differ in many respects from other domestic servants. "Apprentices (from the French *apprendre*, to learn) are a species of servants who are usually bound for a term of years, by deed *indentured*, or by indenture, to serve their masters, and be maintained and instructed by them."—*Black. Com.*

By 8 & 9 Vic., c. 106, deeds are made effectual as indentures, though not indented.

*Exemptions from Stamp Duty.*—Indentures and assignments of apprenticeship in Ireland, where premium does not exceed £10: 5 & 6 Vic., c. 82, s. 3.

Indentures of apprenticeship to sea-service—17 & 18 Vic., c. 104, s. 141; title, Merchant Shipping Act; and also under 14 & 15 Vic., c. 35, s. 5, where bound by Poor Law Guardians to the sea-service.

The Act of 25 Geo. ii., c. 8, as amended by 29 Geo. ii., c. 8, are both made perpetual by 5 Geo. iii., c. 15, s. 52.

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Statuta.                    | Extent of Jurisdiction.                                                                                                                                                                                           |
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| <p>APPRENTICE—<i>continued.</i><br/>Whosoever, being legally liable, either as master or mistress, to provide for any apprentice or servant necessary food, clothing, or lodging, shall wilfully and without lawful excuse refuse or neglect to provide the same; or shall unlawfully and maliciously do, or cause to be done, any bodily harm to any such apprentice or servant, so as to endanger life; or that the health of such apprentice or servant shall have been, or shall be, likely to be permanently injured.*</p> | 24 & 25 Vic. c. 100, s. 26. | Indictable misdemeanor for which offender may be sentenced to 3 years' penal servitude, or to imprisonment not exceeding 2 years. And Guardians or overseers of the poor may be required to prosecute. See s. 73. |
| Apprentice unlawfully disposing or retaining possession, without employer's consent, of goods, work or materials committed to his care (value not exceeding £5).                                                                                                                                                                                                                                                                                                                                                                | 25 & 26 Vic. c. 50, s. 7.   | Compensation to aggrieved, and also liable to fine not exceeding 40s.; or to be imprisoned not exceeding 1 month. I J.                                                                                            |

\* *Cruelty and Failure in Trade, &c.*—By 2 Geo. i., c. 17, s. 16: "Whereas apprentices employed in handicraft trades are often, by the failure or death of their master, left without employment or instruction in the trade to which they were bound, and others often by the severity of their masters or mistresses have been cruelly used, for remedy whereof, it may be lawful for any two Justices of the peace of any county, county of a city, or town, to hear and determine all such complaints of apprentices who are or shall be employed in any handicraft trade or manufacture, and to displace and remove such apprentice, if they shall find just cause for so doing, from such service, by order under their hands and seals; and by the like order, to turn over such apprentice to some other master or mistress, of the same trade, for the remainder of the term of such apprenticeship." Master or mistress feeling aggrieved, may appeal to Quarter Sessions, s. 17.

*Apprentice coming of Age.*—While it is clearly laid down that an infant cannot be bound by indenture of apprenticeship to serve beyond *twenty-one*, and although he may elect at that age to avoid the indentures, the mode of doing so is not to "run away;" the remedy pointed out in the authorities is to move for a *Habeas Corpus*; but it is also allowed to be a proper matter of defence, when charged before the Magistrates with leaving his service, and if it be shown that the apprentice did communicate to the master his intention of leaving, on his so coming of age, and that they are satisfied of the fact, they may refuse to commit the apprentice; and there seems to be no reason now why the Justices should not, on the application of the party aggrieved, state a case for opinion of the Superior Court, under the 20 & 21 Vic., c. 43. This course would be cheap and expeditious.

"Apprentices ought to be employed entirely in the profession or trade which they are intended to learn. Instruction is their hire, and to deprive them of the opportunities of instruction by taking up their time with occupations foreign to their business, is to defraud them of their wages."

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                   | Statute.                    | Extent of Jurisdiction.                                                                                                                                                                                               |
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| <b>APPRENTICE—continued.</b><br>To bakers, by their wilful act, neglect, or default, injuring, damaging, destroying, or adulterating materials or property of employers.                                                                                                                                                                                          | 1 & 2 Vic. c. 28, s. 12.    | To pay a reasonable sum as recompense for the money master may have been obliged to pay under the Act, or for the injury he might have otherwise sustained; in default, &c., imprisonment not exceeding 1 month. 1 J. |
| <i>Wages.</i> —Right of apprentice to recover his wages—up to £10.                                                                                                                                                                                                                                                                                                | 14 & 15 Vic. c. 92, s. 16.  | Justice may decree amount due recoverable by distress. 1 J.                                                                                                                                                           |
| <i>Enlisting.</i> —Mode of reclaiming apprentice who has enlisted.<br>See form of oath and certificate of justice in Schedule to Mutiny Act.                                                                                                                                                                                                                      | Mutiny Act (Annual).        | To be entitled to reclaim, oath, as in schedule to the Act, must be made within 1 month. The binding must be for 5 years at least, and the apprentice not above 16 years when bound. 1 J.                             |
| See also titles: "Merchant Shipping," "Chimney Sweeps," "Combination."<br>And for complaints respecting apprentice bound to sea service by Poor Law Guardians, see (Special form of indenture is given in the schedule to this Act).                                                                                                                              | 14 & 15 Vic. c. 3, s. 8.    | Any J. P. at or near the port at which ship arrives may hear complaints.                                                                                                                                              |
| <b>ARSENIC :</b>                                                                                                                                                                                                                                                                                                                                                  |                             | —                                                                                                                                                                                                                     |
| Particulars of sale to be entered in a book, and all sales to be subject to the conditions and restrictions set forth in Act.                                                                                                                                                                                                                                     | 14 Vic. c. 13, ss. 1, 2, 3. |                                                                                                                                                                                                                       |
| For selling otherwise than as authorized, or for offending against the provisions of this Act.                                                                                                                                                                                                                                                                    | s. 4.                       | Penalty not exceeding £20, recoverable under Petty Sessions Act. 2 J.                                                                                                                                                 |
| <b>ARTIFICER :</b>                                                                                                                                                                                                                                                                                                                                                |                             |                                                                                                                                                                                                                       |
| Servant, artificer, labourer, or other person, not entering service pursuant to written agreement, signed by both parties, or having entered into the service under any agreement, whether in writing or not, absenting or neglecting to fulfil same, or guilty of any misconduct or misdemeanor in the execution of the same, or in any way respecting the same. | 14 & 15 Vic. c. 92, s. 16.  | Fine not exceeding £5; in default, &c., imprisonment not exceeding 3 months, and abatement of the whole or part of his wages; and Justices, if they think fit, may, by writing, discharge him from his service. 1 J.  |

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                             | Statute.                                                   | Extent of Jurisdiction.                                                                                                                                                                                                                 |
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| <b>ARTIFICER—continued.</b><br>Any artificer, workman, journeyman, apprentice, servant, or other person, who shall unlawfully dispose of, or retain in his possession, without the consent of the person by whom he shall be hired, retained, or employed, any goods, wares, work, or materials committed to his care or charge (value not exceeding £5)—<br>See also "Master and Servant." | 25 & 26 Vic. c. 50, s. 7.                                  | Shall pay such compensation as the Justices shall think reasonable, and shall also be liable to a fine not exceeding £2, or to be imprisoned not exceeding 1 month.<br>1 J.                                                             |
| <b>ASSAULT:</b><br>Under                                                                                                                                                                                                                                                                                                                                                                    | 24 & 25 Vic. c. 100.                                       | —                                                                                                                                                                                                                                       |
| As amended by                                                                                                                                                                                                                                                                                                                                                                               | 25 & 26 Vic. c. 50.                                        | —                                                                                                                                                                                                                                       |
| <i>Common Assault.*</i> —Any person who shall assault or beat any other person, shall, upon conviction be liable to<br>(Assaults under this section may, if Justices think fit, be proceeded with, although party aggrieved declines to prosecute, 25 & 26 Vic., c. 50, s. 9).                                                                                                              | 24 & 25 Vic. c. 100, s. 42.<br>(25 & 26 Vic. c. 50, s. 2). | Imprisonment not exceeding 2 months, with or without H. L.; or (at the discretion of the Justices) fine not exceeding, together with costs (if ordered), £5; in default, &c., imprisonment as above, unless amount be sooner paid. 1 J. |

\* *Common Assault*, may be by striking at another, with or without a weapon; holding up one's fist at him; or by any other rash act done in an angry or threatening manner (1 *Hawk. c. 62, s. 1*). So advancing in a threatening attitude and with intention to strike, so that the blow would have immediately reached had he not been stopped; and although when stopped he was not near enough for his blow to take effect;—this was held to be an assault in point of law.—*Tindal; C. J. Stephens v. Meyers, 4 Car. & P. 849.*

*Battery*.—A battery is an injury, however trifling, actually done to the person of another, in an angry, revengeful, rude, or insolent manner, as by spitting in his face, or in any way touching him in anger, violently jostling him out of the way, or the like.—*Hawk. c. 62, s. 2.*

But in either case, if the Justice finds the assault or battery to be so trifling as not to merit any punishment, he may dismiss the complaint.—Sec. 44.

The Assault Act is silent on the right of appeal. That given in the Petty Sessions Act will therefore apply.



| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                | Statute.                                                                   | Extent of Jurisdiction.                                                                                                                                                                                                                                                                                                                                                  |
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| <p><b>ASSAULT—continued.</b><br/> <i>On Females and Boys.</i>—Assault or battery upon any male child whose age shall not, in the opinion of the Justices, exceed 14, or upon any female, upon complaint of the party aggrieved or otherwise, if the offence be of such an aggravated nature that it cannot, in the opinion of the Justices, be sufficiently punished under above section (42) as to common assaults.</p>                                       | <p>24 &amp; 25 Vic. c. 100, s. 43, (25 &amp; 26 Vic. c. 50, ss. 2, 3.)</p> | <p>Imprisonment not exceeding 6 months, with or without H.L.; or to pay a fine not exceeding (together with costs) £20; and in default, &amp;c., imprisonment not exceeding 6 months, unless amount sooner paid: and, if Justices think fit be bound to the peace and good behaviour for any time not exceeding 6 months from expiration of such sentence.<br/> 1 J.</p> |
| <p><i>With Intent to Prevent Sale of Grain, &amp;c.</i>—Beating or using violence or threats to any person, with intent to deter or hinder him from buying or selling, or to compel him to buy, sell, or otherwise dispose of grain, potatoes, &amp;c., or with intent to stop the conveyance of same.</p>                                                                                                                                                     | <p>24 &amp; 25 Vic. c. 100, s. 39, (25 &amp; 26 Vic. c. 50, s. 2.)</p>     | <p>Imprisonment, with H. L. not exceeding 3 months.<br/> 1 J.<br/> Person punished under this section shall not be punished under any other law for same offence.</p>                                                                                                                                                                                                    |
| <p><i>On Seamen, &amp;c.</i>—Unlawfully and forcibly hindering any seaman, keelman, or caster from working; or using violence, with intent to hinder or prevent him from working at his trade or business.</p>                                                                                                                                                                                                                                                 | <p>24 &amp; 25 Vic. c. 100, s. 40, (25 &amp; 26 Vic. c. 50, s. 2.)</p>     | <p>Imprisonment, with H. L. not exceeding 3 months.<br/> 1 J.<br/> Person punished under this section shall not be punished under any other law for same offence.</p>                                                                                                                                                                                                    |
| <p><i>On Peace Officers, &amp;c.</i>—Assaulting, resisting, or wilfully obstructing any peace officer in the due execution of his duty, or any person acting in aid of such officer; or assaulting any person, with intent to resist or prevent the lawful apprehension or detainer of himself, or of any other person, for any offence.<br/> (If the Justices consider the offence so trivial as not to require being dealt with by a superior tribunal).</p> | <p>24 &amp; 25 Vic. c. 100, s. 38, (25 &amp; 26 Vic. c. 50, s. 10.)</p>    | <p>Imprisonment not exceeding 2 months with or without H.L.; or (at the discretion of the justices) fine not exceeding, together with costs (if ordered), £5; in default, &amp;c., imprisonment as above, unless amount be sooner paid.<br/> 2 J.</p>                                                                                                                    |

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Statute.                                             | Extent of Jurisdiction.                                                                               |
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| <p><b>ASSAULT—continued.</b><br/> <i>Certificate.</i>—Where common assaults, and assaults on females and boys (under ss. 42 &amp; 43, 24 and 25 Vic., c. 100), are heard on the merits, and the Justices deem the offence not proved, or to be justifiable, or so trifling as not to merit punishment—<br/>           Certificate of dismissal, or having been convicted, shall have paid penalty, or suffered imprisonment, —to be released from all further proceedings, <i>civil or criminal</i>, for same cause.*</p>                                                                                                                                                                                                             | <p>24 &amp; 25 Vic. c. 100, s. 44.</p> <p>s. 45.</p> | <p>Justices shall forthwith make out and deliver to defendant a certificate of the fact.</p> <p>—</p> |
| <p><i>Felonious Assaults; or where Questions of Title, &amp;c., arise.</i>—Justices shall abstain from adjudicating summarily where assaults are accompanied with attempt to commit felony; or where from any other circumstance, it appears to them a fit subject to be tried by indictment; † or where questions of title arise; or as to bankruptcy, insolvency, or execution under process of any court of justice.</p> <p>For not providing apprentices or servants with necessary food, &amp;c., and felonious assaults on persons under 16, on certificate of two Justices, guardians, or overseers, to conduct prosecution.</p> <p>For indictable assaults, see "Offences Against the Person," Indictable Offences Index.</p> | <p>24 &amp; 25 Vic. c. 100, s. 46.</p> <p>s. 73.</p> | <p>These cases should be returned for trial to Quarter Sessions or Assizes.</p> <p>—</p>              |
| <p><b>AUCTIONEERS: ‡</b><br/>           Persons exercising the business of an auctioneer to take out an annual licence.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <p>8 Vic. c. 15, s. 4.</p>                           | <p>—</p>                                                                                              |

\* *Certificate of dismissal.*—Under the former Summary Jurisdiction Act, a dismissal by the Magistrates did not protect defendant, or deprive complainant of his right to proceed *civilly*. Under the present Act (sec. 45) a dismissal on the merits will have that effect.

† The Magistrates are to be the judges as to whether or not the offence is a fit subject to be tried by indictment; nor should they yield to the application of either party on the point. If the evidence be concluded, and they are satisfied that it may be dealt with summarily, they can and ought to do so.

‡ *Fees.*—In sales of distress made under the 9 & 10 Vic. c. 111, by Schedule B to

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                            | Statute.                                                                | Extent of Jurisdiction.                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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| <p><b>AUCTIONEERS—continued.</b><br/> Sales in which auctioneer's licence not necessary specified in—<br/> Auctioneer, before sale commences shall suspend or affix ticket or board containing his full Christian and surname and place of residence. For default—<br/> At time of sale, on demand of officer of excise, customs, stamps, and taxes, he shall produce licence, or shall deposit with such officer £10.</p> | <p>8 Vic. c. 15,<br/> a. 5.<br/> a. 7.<br/> a. 8.</p>                   | <p>—<br/> Excise penalty, £20.<br/> May be apprehended and brought before a Justice; and, being convicted, may be imprisoned for not exceeding 1 month. 1 J. Not to affect proceedings for penalty for acting without licence.</p>                                                                                                                                                                                                                                                            |
| <p><b>BAIL:</b><br/> Indictable offences wherein bail is not allowed to be taken; and where the admitting to bail is in the discretion of the Justices; and where the accused is admitted to bail as of right.<br/> See also "Sureties to keep the peace."</p>                                                                                                                                                             | <p>See Petty Sessions Act, 14 &amp; 15 Vic. c. 93, s. 16, Appendix.</p> | <p>It will be seen that the Justices have not power to admit to bail persons charged with <i>treason</i>, or of <i>felony under the 11 &amp; 12 Vic. c. 12</i>. In the other cases specified in the section, it is in their discretion; and in any other case of <i>indictable</i> misdemeanor, the accused, as of right, is admitted to bail. The Act quoted is set out in the Appendix, and see also table of <i>Indictable Offences</i> which follows the Summary Jurisdiction Index.*</p> |

said Act, 1s. in the pound to cover all expenses of sale, commission, and delivery. To this extent the person distrained is bound to pay; but he is not to be called on to pay more either *directly or indirectly*; and he does pay it *indirectly* if his goods are sold on the terms that the purchaser is to pay auctioneer's fees, 5 per cent.; and that 5 per cent. is also deducted from the proceeds of the sale. See "Distress."

\* The Justices may require *one or more* sureties. It is the duty of the Justices to inquire into and ascertain the solvency of the persons tendered as bail; but, having agreed to admit to bail, they ought not to dissuade persons from becoming sureties—*R. V. Saunders* (2 *Cox*, c. c. 249). Although it is stated that a married woman, or a minor, cannot be bound, but that the recognizance may be entered into by their sure-

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Statute.                  | Extent of Jurisdiction.                                                                                                                       |
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| <b>BAILIFF :</b><br>(Appointed under Civil Bill Act, 27 & 28 Vic., c. 99). Extorting to be guilty of Misdemeanor.<br>See title "Sheriff."                                                                                                                                                                                                                                                                                                                                                                                                                                          | s. 18.                    | Fine or imprisonment.                                                                                                                         |
| <b>BAKER :</b><br>See "Bread and Flour."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                           |                                                                                                                                               |
| <b>BAKEHOUSE, REGULATION ACT:*</b><br>No person under 18 shall be employed in any bakehouse between 9 at night and 5 in the morning, and if employed in contravention of this section, occupier shall be liable in respect to each person so employed.                                                                                                                                                                                                                                                                                                                             | 26 & 27 Vic. c. 40, s. 8. | Penalty not exceeding £2; in default, &c., imprisonment not exceed 1 month. 1 J.                                                              |
| Second offence: . . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | —                         | Penalty not exceeding £5; in default, &c., imprisonment not exceeding 2 months. 1 J.                                                          |
| Third and subsequent offence. . .<br>("Occupier" shall include any person in possession, s. 2).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | —                         | Penalty not exceeding £1 a day for each day Act contravened, but not to exceed £10; in default, imprisonment as in Petty Sessions scale. 1 J. |
| <i>Cleanliness, &amp;c.</i> —Inside walls and ceiling or top of every bakehouse situate in any city, town, or place, containing, according to last census, a population of more than 5,000 persons, and the passages and staircase leading thereto, shall either be painted with oil or be lime-washed, or partly painted and partly lime-washed; where painted with oil there shall be three coats, and be renewed at least once every 7 years, and washed with hot water and soap at least once every 6 months; where lime-wash, it shall be renewed every 6 months, in default. | s. 4.                     | Penalty not exceeding £5; in default, &c., imprisonment not exceeding 2 months. 1 J.                                                          |

ties alone, the Justice will do well not to dispense with their signing the recognizance. The sureties should qualify in double the amount. For form of oath, see the 57 Geo. iii., c. 56; but it will be found printed on the form of recognizance in general use.

\* The provisions of the above Act are salutary and humane, but it does not

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Statute.                     | Extent of Jurisdiction.                                                                                          |
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| <b>BAKEHOUSE, REGULATION ACT—</b><br><i>continued.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 26 & 27 Vic.<br>c. 40, s. 4. | Like.                                                                                                            |
| And every bakehouse, wherever situate, shall be kept in a cleanly state, and shall be provided with proper means for effectual ventilation, and be free from effluvia arising from any drain, privy, or other nuisance, in default occupier shall be liable.                                                                                                                                                                                                                                                                                                             | —                            | Penalty not exceeding £1 a day that such non-compliance continues; in default, imprisonment by P. S. scale. 1 J. |
| The Court may, in addition to, or instead of penalty, make order that, within a time to be named (power to enlarge the time) direct occupier to comply with this, section 4. And any disobedience shall be deemed a continuance of the offence, and be punishable.                                                                                                                                                                                                                                                                                                       | s. 5.                        | For first offence, penalty not exceeding 20s.; every subsequent offence, penalty not exceeding £5. 1 J.          |
| No place on same level with a bakehouse situate in city or place having population of more than five thousand, and forming part of same building, shall be used as a sleeping-place unless it is effectually separated from bakehouse by a partition extending from floor to ceiling, and having an external glazed window of at least nine superficial feet in area, four and a half superficial feet of which are made to open for ventilation. And any person who lets, occupies, or continues to let, or knowingly suffers to be occupied any place contrary to Act. | s. 6.                        | Penalty not exceeding £20; in default, &c., imprisonment not exceeding 4 months. 1 J.                            |
| Power to local authority to enforce Act, and officers, &c., appointed by local authority may enter bakehouse, during hours of baking, and inspect same, and for obstructing or refusing admission.                                                                                                                                                                                                                                                                                                                                                                       | s. 7.                        | Justice may by warrant authorize Inspector, accompanied by a Police Constable to enter.                          |
| Local authorities may incur expenses as under Nuisance Removal Acts.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | s. 2.                        |                                                                                                                  |
| Interpretation of terms.<br>See also title "Bread and Flour."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                              |                                                                                                                  |

appear that, up to the present, any active steps have been taken by the Local authorities to enforce its provisions.

| Offence, or cause of Complaint.                                                                                                                                                                                                               | Statute.                                                            | Extent of Jurisdiction.                                                                                                                                         |
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| <b>BASTARDY :</b><br>See " Poor Law."                                                                                                                                                                                                         |                                                                     |                                                                                                                                                                 |
| <b>BATHING (in public):</b><br>See " Towns' Improvement Act,"<br>which makes provision for preventing indecent exposure by bathers.<br>Also, " Police Clauses Act."<br><br>And for offences against public decency, see " Indecent Exposure." | 17 & 18 Vic.<br>c. 103, s. 77.<br><br>10 & 11 Vic.<br>c. 89, s. 28. | —<br><br>—                                                                                                                                                      |
| <b>BEAST :</b><br>See " Nuisance on Roads, &c."                                                                                                                                                                                               |                                                                     |                                                                                                                                                                 |
| <b>BEER HOUSES :</b><br>See " Publicans."                                                                                                                                                                                                     |                                                                     |                                                                                                                                                                 |
| <b>BEGGING :</b><br>Every person wandering abroad and begging, or placing himself in any public place, street, highway, court, or passage, to beg or gather alms, or causing or procuring any child so to do—                                 | 10 & 11 Vic.<br>c. 84, s. 3.                                        | Shall, if the Justices think fit, be committed to gaol for any time not exceeding 1 month, at H.L. 1 J.                                                         |
| The case may be heard out of Petty Sessions.                                                                                                                                                                                                  | 14 & 15 Vic.<br>c. 93, ss. 8, 22.                                   | —                                                                                                                                                               |
| See also " Vagrancy."                                                                                                                                                                                                                         |                                                                     |                                                                                                                                                                 |
| <b>BILLET :</b><br>See title " Mutiny Act."                                                                                                                                                                                                   |                                                                     |                                                                                                                                                                 |
| <b>BIRD :</b><br>Stealing. See " Larceny."<br>Injury. See " Malicious Injuries."                                                                                                                                                              |                                                                     |                                                                                                                                                                 |
| <b>BLASPHEMING (in public streets) :</b><br>See " Police Clauses Act," for offence of " using profane or obscene language in any public street."                                                                                              | 10 & 11 Vic.<br>c. 89, s. 28.                                       | Penalty not exceeding 40s., or may be imprisoned for not exceeding 14 days. 1 J.<br>(But the Justice should first see if this Act be in force in his district.) |
| For offence of profane cursing, &c., in presence of a Justice, see " Swearing."                                                                                                                                                               |                                                                     |                                                                                                                                                                 |

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Statute.                                                                                    | Extent of Jurisdiction.                                                                                                                                                                                                                                                                                                                            |
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| <b>BOAT :</b><br>Taking, using, or employing any cot, barge, boat, or vessel, without owner's permission.<br>See "Fisheries."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 5 & 6 Vic. c. 106, s. 72.                                                                   | Penalty not exceeding £2; in default, &c., imprisonment not exceeding 2 months.<br>1 J.                                                                                                                                                                                                                                                            |
| <b>BONFIRES :</b><br>Making, or assisting in making, bonfires, or any other kind of fire, upon any public road, or within 60 feet of the centre thereof.<br>Making bonfires in streets, see "Town's Improvement Act."<br>And under "Police Clauses Act."<br><br>For offence of throwing fireworks on streets, &c., see "Gunpowder."                                                                                                                                                                                                                                                                                                                                                        | 14 & 15 Vic. c. 92, s. 10.<br><br>17 & 18 Vic. c. 103, s. 72.<br>10 & 11 Vic. c. 89, s. 28. | Fine not exceeding 10s.; in default, &c., imprisonment not exceeding 14 days.<br>1 J.<br>The Justice will see which of these Acts is in force in his district.                                                                                                                                                                                     |
| <b>BOOKS :</b><br>For provisions of the "Copyright Amendment Act," and penalties incurred by publishers for neglecting to deliver copies at British Museum and specified public libraries, see                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 5 & 6 Vic. c. 45.                                                                           | —                                                                                                                                                                                                                                                                                                                                                  |
| <b>BOOTHES AND TENTS :</b><br>See "Tents."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                             |                                                                                                                                                                                                                                                                                                                                                    |
| <b>BOUNDARIES OF LAND :</b><br>High constable of each barony and half barony, within 10 days after being required by surveyor, shall deliver to surveyor lists of all townlands, &c., and collectors of cess, &c., within the barony, in default—<br>Removing or altering situation of boundary-stone, post, or mark, set up for the purposes of this Act; or wilfully defacing, breaking, or destroying same.<br><br>Willfully obstructing surveyor in execution of his duty, in ascertaining and marking out boundaries under Act; assaulting or otherwise resisting him, obstructing or assaulting collector, or any workman, &c., acting in aid of surveyor.<br>And like under . . . . | 6 Geo. iv. c. 99, s. 9.<br><br>s. 12.<br><br>s. 13.<br><br>6 & 7 W. iv. c. 84, s. 55.       | Penalty £10 by distress; in default, &c. imprisonment not exceeding 2 months. 2 J.<br><br>Penalty not exceeding £10, and not less than £2, by distress; in default, &c., imprisonment not exceeding 2 months. 2 J.<br><br>Penalty not exceeding £10, and not less than £2, by distress; in default, &c., imprisonment not exceeding 2 months. 2 J. |

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                       | Statute.                  | Extent of Jurisdiction.                                                                                                                                                                      |
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| <b>BOWL-PLAYING:</b><br>See "Games on Roads."                                                                                                                                                                                                                                                                         |                           |                                                                                                                                                                                              |
| <b>BREAD AND FLOUR:</b><br>Selling bread in any other manner than by weight (except French or fancy bread.)                                                                                                                                                                                                           | 1 & 2 Vic. c. 28, s. 4.   | Penalty not exceeding 40s.; in default, &c., imprisonment not exceeding 1 month, with or without H.L. 1 J.                                                                                   |
| Using any other weight than avoirdupois weight, of 16 ounces to the pound.                                                                                                                                                                                                                                            | s. 5.                     | Penalty not exceeding 40s., nor less than 10s.; in default, &c., imprisonment not exceeding 1 month, with or without H.L. 1 J.                                                               |
| Bakers or sellers of bread shall cause to be fixed in some conspicuous part of shop, on or near the counter, a beam and scales with proper weights, &c., and shall weigh bread if required; for omitting to do so, or having or using any false or incorrect weights, or refusing to weigh.                           | s. 6.                     | Penalty not exceeding £5; in default, &c., imprisonment not exceeding 1 month, with or without H. L. 1 J.                                                                                    |
| Adulterating bread, or using any mixture or ingredient whatsoever in the making, other than and except as stated in said Act.                                                                                                                                                                                         | ss. 2 & 7.                | Penalty not exceeding £5, nor less than 50s.; in default, &c., imprisonment not exceeding 3 months, with or without H. L.; and may cause offender's name to be published in newspapers. 1 J. |
| Adulterating corn, meal, flour, in grinding, &c., or putting therein any ingredient or mixture, not being the genuine produce of the corn or grain so ground; or selling flour of one sort as flour of another sort, or not equal to sample; or practising any deceit or fraud whereby it may be increased in weight. | s. 8.                     | Shall forfeit the article, and also a penalty not exceeding £10, nor less than 40s.; in default, &c., imprisonment not exceeding 1 month, with or without H. L. 1 J.                         |
| Similar offence under* . . .                                                                                                                                                                                                                                                                                          | 14 & 15 Vic. c. 92, s. 7. | Forfeiture of article, and penalty not exceeding 40s.; or imprisonment not exceeding 1 month. 1 J.                                                                                           |

\* The offence is the same in both Statutes, the penalties differ, and under the latter the Justice may imprison without imposing pecuniary penalty.



| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Statute.                                | Extent of Jurisdiction.                                                                                                                                                                                                             |
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| <b>BREAD AND FLOUR—continued.</b><br>If ingredients for adulteration of meal or bread are found in any premises of millers, factors, &c.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 1 & 2 Vic. c. 28, a. 11.                | Penalty not exceeding £10, nor less than 40s.; second offence, £5; every subsequent offence, £10: in default, &c., imprisonment, with or without H. L., not exceeding 3 months; and may order offender's name to be published. 1 J. |
| Wilfully obstructing search, authorized to be made under Act, or the seizure of ingredients for adulteration, &c.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | a. 12.                                  | Penalty not exceeding £10; in default, &c., imprisonment not exceeding 1 month, with or without H. L. 1 J.                                                                                                                          |
| Act provides remedies by masters, where offences are occasioned by wilful default of journeymen and servants.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                         |                                                                                                                                                                                                                                     |
| Against baking on Sundays, . . .<br>Opposing persons employed in due execution of Act.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | a. 13.<br>a. 15.                        | —<br>Penalty not exceeding £5; in default, &c., imprisonment not exceeding 1 month, with or without H. L. 1 J.                                                                                                                      |
| See also "Public Health."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                         |                                                                                                                                                                                                                                     |
| <b>BRICKS:</b><br>Clay used in making bricks for public sale must be dug and turned before November preceding the burning, the upper soil to be stripped, and proper and natural brick earth to be used. Clay to be tempered again after November and before February, and picked clear of stones. Clay must be free of limewash; and bricks shall not be moulded after 25th November, and before 25th March. Bricks shall not be less than 9½ inches long, 4½ inches broad, and 2½ inches thick; and clay shall not be formed or moulded unless it be of such a consistence that it will stick together if taken up with a common pitchfork of two grains or tangs; and bricks shall not be moulded or burned at any other | 3 Geo. ii. c. 14, sa. 11, 12, 13. (Ir.) | Penalty, 20s. per thousand, and so in proportion for a greater or less quantity, by distress; in default, &c., imprisonment not exceeding 3 months. 2 J.                                                                            |

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                         | Statute.                                            | Extent of Jurisdiction.                                                                                                                                                                                                                                  |
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| <b>BRICKS—continued.</b><br>time then between 1st March and 1st November, unless for the private use of the maker, and not for public sale; and if made contrary to Act.                                                                                                                                                                                                                                                                |                                                     |                                                                                                                                                                                                                                                          |
| <b>BRITISH SEAMEN:</b><br>See title "Merchant Shipping Act."                                                                                                                                                                                                                                                                                                                                                                            |                                                     |                                                                                                                                                                                                                                                          |
| <b>BRIDGES:</b><br>Any two Justices at Petty Sessions may order not exceeding £20 for repairing sudden damages to bridges.<br>For powers of Justices respecting crossings and bridges over Railways, see "Railway Clauses Consolidation Act, 1845."                                                                                                                                                                                     | 6 & 7 W. iv.<br>c. 116, s. 49.<br><br>8 Vic. c. 20. | —<br><br>—                                                                                                                                                                                                                                               |
| <b>BUILDING:</b><br>Houses within thirty feet of centre of public road.                                                                                                                                                                                                                                                                                                                                                                 | 14 & 15 Vic.<br>c. 92, s. 9.                        | Penalty not exceeding £10, and 10s. a week; in default, &c., imprisonment according to "Petty Sessions Scale," not exceeding 3 months. 1 J.                                                                                                              |
| <b>BURNING LAND:*</b><br>Where affidavit is made before J.P. by landlord, &c., or person acting on his behalf, that there exists probable and just grounds to suspect that any tenant, servant, caretaker, or other person, who has detained possession from any such tenant, &c., is about to burn, &c., the soil, surface, or subsoil of the land, or that he is in the act of doing such.<br>Punishment for disobedience of precept. | 23 & 24 Vic.<br>c. 154, s. 35.<br><br>s. 36.        | Justice to issue precept in form in Schedule A, to the Act, to discontinue the waste until the matter of the information be inquired into at next Petty Sessions. 1 J.<br><br>Imprisonment not exceeding 1 month; proceedings as in Petty Sessions. 2 J. |
| See title "Landlord and Tenant."                                                                                                                                                                                                                                                                                                                                                                                                        |                                                     |                                                                                                                                                                                                                                                          |

\* *By sec. 30.*—Tenants holding under instruments conferring any interest less than a perpetual estate or interest, are liable to a penalty not exceeding £20 an acre, and so in proportion, for burning or permitting to be burned, the soil or surface of the land, recoverable by Civil Bill.

All former Acts, giving Justices the summary power to enforce penalties for burning land, are by the above Act repealed.

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Statute.                                                           | Extent of Jurisdiction.                                                                                                                                                                                             |
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| <b>BULL-BAITING:</b><br>Cruelty to Animals Act, . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 12 & 13 Vic.<br>c. 92, s. 3.                                       | Penalty not exceeding<br>£5; in default, &c.,<br>imprisonment not ex-<br>ceeding 2 months. 1 J.                                                                                                                     |
| <b>BURIAL:</b><br>(See "Church-yard.")                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                    |                                                                                                                                                                                                                     |
| <b>BUTTER:</b><br>Frauds in brands, packing, &c.; see<br>"Weights and Measures."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                    |                                                                                                                                                                                                                     |
| <b>CARDS:</b><br>Selling cards without licence, or at<br>any place not specified in the<br>licence.<br>Persons hawking cards for sale, at any<br>place for which he shall have no<br>licence, may be apprehended by<br>Constable or Inland Revenue Of-<br>ficer, and taken before a Justice,<br>and being convicted.<br>Proviso—Cards in packs—the ace of<br>spades being duly stamped,—im-<br>ported cards, enclosed in wrappers,<br>according to 16 & 17 Vic., c. 107,<br>may be sold as if this Act not<br>made; and second-hand cards may<br>be sold to makers, without licence<br>to sell.<br>Recovery of penalties and right of<br>appeal. | 25 Vic. c. 22,<br>s. 31.<br><br>s. 31.<br><br>s. 36.<br><br>s. 41. | Excise penalty, £20, re-<br>coverable as Excise<br>penalties.<br>Penalty, £20; and un-<br>less immediately paid,<br>to be imprisoned not<br>exceeding 3 months,<br>nor less than 1 month.<br>1 J.<br><br>—<br><br>— |
| <b>CARETAKERS:</b><br>Caretakers, servants, &c., refusing to<br>give up possession of premises on<br>demand.<br>See "Landlord and Tenant."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                    |                                                                                                                                                                                                                     |
| <b>CARS AND CARTS:</b><br><i>Names on Carts, &amp;c.</i> —Any owner of<br>any cart, car, dray, or other cari-<br>age used for conveyance of goods,<br>who shall use or allow the same to<br>be used on any public road or street,<br>without having his name and resi-<br>dence painted upon some conspicu-<br>ous part of the right or off side, in<br>legible letters, not less than 1 inch                                                                                                                                                                                                                                                    | 14 & 15 Vic.<br>c. 92, s. 12.                                      | Penalty not exceeding<br>10s.; in default, &c.,<br>imprisonment not ex-<br>ceeding 14 days. 1 J.                                                                                                                    |

| Offence, or cause of Complaint.                                                                                                                                                                                                          | Statute.                   | Extent of Jurisdiction.                                                                               |
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| <p><b>CARS AND CARTS—continued.</b><br/> in height, of different colour from the ground on which painted, and in words at length; or who shall paint, or cause to be painted, any false or fictitious name or residence thereon.</p>     |                            |                                                                                                       |
| <p>One driver taking charge of more than one cart, unless where the horse of a second or hinder shall be attached by sufficient rein to back of the foremost.</p>                                                                        | 14 & 15 Vic. c. 92, s. 12. | Penalty not exceeding 10s.; in default, &c., imprisonment not exceeding 14 days. 1 J.                 |
| <p>Drivers of carts, as last aforesaid, riding thereon without some other person to guide them; or where such carriage shall be driven with reins, and be conducted by some person holding the reins of all the horses drawing same.</p> | "                          | Like.                                                                                                 |
| <p>Driver wilfully or negligently so absents himself that he cannot have the direction of the horse; or shall leave such carriage on road, &amp;c., so as to obstruct the passage.</p>                                                   | "                          | Like.                                                                                                 |
| <p>Driver refusing to tell owner's name and residence, when not painted, as aforesaid, on car.</p>                                                                                                                                       | "                          | Like.                                                                                                 |
| <p>Owners permitting children under 13 years of age to drive.</p>                                                                                                                                                                        | s. 13.                     | Penalty not exceeding 10s. (against owner); in default, &c., imprisonment not exceeding 14 days. 1 J. |
| <p><b>CARRIAGES (Stage):</b></p>                                                                                                                                                                                                         |                            |                                                                                                       |
| <p>Driver, owner, or guard, permitting more passengers to be carried than the number for whom seats shall be provided, inside or outside; allowing at least 16 inches for each passenger, not including children under 7 years.</p>      | 14 & 15 Vic. c. 92, s. 11. | Penalty not exceeding 40s.; in default, &c., imprisonment not exceeding 1 month. 1 J.                 |
| <p>Allowing passenger to sit on top of luggage, or any part not intended for passengers; or permitting luggage exceeding 2 feet in height above the roof on carriage, carrying inside passengers.</p>                                    | "                          | Like.                                                                                                 |
| <p>Omitting to paint on doors, &amp;c., as therein, the number of passengers to be conveyed.</p>                                                                                                                                         | "                          | Like.                                                                                                 |

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                    | Statute.                   | Extent of Jurisdiction.                                                                                                         |
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| <p><b>CARRIAGES</b> (<i>Stage</i>)—<i>continued.</i><br/>Driver or guard, mispending time, insulting passengers, becoming incapacitated by drink, or demanding more than legal fare.</p>                                                                                                                                                                                                                                                                           | 14 & 15 Vic. c. 92, s. 11. | Compensation for damage or loss, and also penalty not exceeding 40s.; in default, &c., imprisonment not exceeding 1 month. 1 J. |
| <p>Leaving horses until a proper person stand at their head, or allowing others to drive.</p>                                                                                                                                                                                                                                                                                                                                                                      | 14 & 15 Vic. c. 92, s. 11. | Penalty not exceeding 40s.; in default, &c., imprisonment not exceeding 1 month. 1 J.                                           |
| <p>Owners permitting children under 13 years to drive.</p>                                                                                                                                                                                                                                                                                                                                                                                                         | s. 13.                     | Penalty not exceeding 10s. (against owner); in default, &c., imprisonment not exceeding 14 days. 1 J.                           |
| <p>For damage by driver, owner liable to pay compensation not exceeding 40s.; and owner may recover back from driver.*</p>                                                                                                                                                                                                                                                                                                                                         | s. 14.                     | Distress. 1 J.                                                                                                                  |
| <p><i>Cars or Carriages obstructing Streets, &amp;c.</i>—Any person who shall, within any city, borough, or market town, or within quarter of a mile of boundary thereof, cause any cart, dray, waggon, or other such carriage, or any public or hackney car or carriage, to stand in any public road or street longer than may be reasonable or necessary for loading or unloading, or for taking up or setting down passengers (except at appointed stands).</p> | s. 17.                     | Penalty not exceeding 20s.; in default, &c., imprisonment not exceeding 1 month. 1 J.                                           |
| <p>For other offences on "Roads," &amp;c., see titles, "Driver," "Nuisance on Roads, &amp;c.;" and the "Towns Improvement Act," sec. 17, for offences in streets of towns where it is in force, and also "Police Clauses Act," 10 &amp; 11 Vic., c. 89, s. 28.</p>                                                                                                                                                                                                 |                            |                                                                                                                                 |

\* But if the damage be done through any misconduct or misdemeanor, in the execution of the master's service, he may be punished under sec. 16 of the above Act. It would seem that the power conferred on Justices, to award compensation against owner for damage done by driver, is limited to the commission of those offences particularly referred to in section 14.

| Offence, or cause of Complaint.                                                                                                                                                                                                    | Statute.                         | Extent of Jurisdiction.                                                                                                                     |
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| <b>CASE :</b><br>Stated for opinion of Superior Court.                                                                                                                                                                             | 20 & 21 Vic.<br>c. 48, ss. 2, 4. | —                                                                                                                                           |
| In cases of summary adjudication, either party to the proceeding, if dissatisfied with the determination as being erroneous in point of law, may apply, as therein, to have a case stated for opinion of superior Court. See sec.* |                                  | The Justice or Justices before whom case tried shall, unless of opinion that the application is merely frivolous, state a case accordingly. |
| Before case is stated, the appellant shall enter into recognizance, serve notice, and pay fees, as set forth in—                                                                                                                   | s. 2.                            | —                                                                                                                                           |
| Where Justices refuse, Court of Queen's Bench may, by rule, order a case to be stated.                                                                                                                                             | s. 5.                            | —                                                                                                                                           |
| Persons appealing under this Act, precluded from appealing to Quarter Sessions.                                                                                                                                                    | s. 14.                           | —                                                                                                                                           |

\* Section 2.—“ After the hearing and determination by a Justice or Justices of the Peace of any information or complaint which he or they have power to determine in a summary way, by any law now in force or hereafter to be made, either party to the proceeding before the said Justice or Justices may, if dissatisfied with the said determination as being erroneous in point of law, apply in writing within three days after the same to the said Justice or Justices, to state and sign a case, setting forth the facts and the ground of such determination for the opinion thereon of one of the Superior Courts of Law, to be named by the party applying; and such party, hereinafter called ‘the appellant,’ shall, within three days after receiving such case, transmit the same to the Court named in his application, first giving notice in writing of such appeal, with a copy of the case, so stated and signed, to the other party to the proceeding in which the determination was given, hereinafter called ‘the respondent.’ ”

*Form of Case.*—The form or statement of the case may be simple; but there are matters to be strictly complied with, so as that it shall come properly under the cognizance of the Superior Court. It should be *headed* with the Petty Sessions Court, from which it comes; the title “appellant” and “respondent;” “case stated for the opinion of the Court of—(as named by the applicant), at the instance and request of—, pursuant to the 20 & 21 Vic. c. 48, entitled (*title of Act*).” Set out the copy of summons and information, if any, whereby case brought before the Petty Sessions; the evidence as fully as can be collected, and any legal objections raised; the order of the Justices fully, and the Act under which made; copy of notice, stating when it was served. State also that the bond has been duly entered into; indeed it may be proper to copy the bond—the Court above may require to see that

| Offence, or cause of Complaint.                                                                                                                     | Statute.                       | Extent of Jurisdiction.                                                                                                                                            |
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| <b>CATTLE DISEASES:</b>                                                                                                                             | 11 & 12 Vic.<br>c. 107.        | —                                                                                                                                                                  |
| Extended and continued by                                                                                                                           | 16 & 17 Vic.<br>c. 62.         | —                                                                                                                                                                  |
| Further amended by                                                                                                                                  | 29 Vic. c. 4.                  | —                                                                                                                                                                  |
| Lord Lieutenant with advice of Privy Council, may make orders and regulations for the purposes of these Acts.*                                      | s. 2.                          | —                                                                                                                                                                  |
| For Contravening Acts or orders made in pursuance thereof.<br>Recoverable under Petty Sessions Act.                                                 | s. 6.                          | Penalty not exceeding £20, and where any such Act is committed with respect to more than 4 animals, not exceeding £5 each, may be imposed instead of the £20. 1 J. |
| Application, not exceeding one third to Informer, rest to Her Majesty, in aid of the fund for Act created.<br>See "Nuisance on Roads, Streets, &c." |                                |                                                                                                                                                                    |
| <b>CERTIFICATE:</b>                                                                                                                                 |                                |                                                                                                                                                                    |
| To be given by Justices when assault dismissed.                                                                                                     | 24 & 25 Vic.<br>c. 100, s. 44. | —                                                                                                                                                                  |
| Under Criminal Justice Act.                                                                                                                         | 18 & 19 Vic.<br>c. 126.        | —                                                                                                                                                                  |

the statute is strictly complied with. The case should be dated and signed; and the person delivering it to the appellant ought to endorse on it the date of doing so.

Notice may be to following effect:—

(Title of Case, and Petty Sessions Court.)

GENTLEMEN,

Take notice, that I the undersigned the (complainant or defendant as case may be) in this case being dissatisfied with your determination of the said (Information or Complaint) as being erroneous in point of Law, do hereby call upon and require you, . . . pursuant to the provisions of the 20 & 21 Vic. c. 43, entitled "An Act to improve the administration of the Law so far as respects summary proceedings before Justices of the Peace," to state and sign a case setting forth the facts and the grounds of such determination, for the opinion thereon of Her Majesty's Court of Queen's Bench (or other superior Court to be named,—Com. Pleas or Exchequer.)

(Dated,)

(Signed,)

To

A. B., C. D., the Justices who heard and determined such Complaint.

\* The several orders in Council can be had on application to Queen's Printers, Dublin.

| Offence, or cause of Complaint.                                                                                                                               | Statute.                    | Extent of Jurisdiction.                                                                                                                                   |
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| <b>CERTIFICATE—continued.</b>                                                                                                                                 |                             |                                                                                                                                                           |
| Of refusal to state case for opinion of Superior Court.                                                                                                       | 20 & 21 Vic. c. 43, s. 3.   | —                                                                                                                                                         |
| Of character to servant, when refused by master without sufficient cause.                                                                                     | 2 Geo. i., c. 17, s. 4.     | —                                                                                                                                                         |
| See title, "Discharge."                                                                                                                                       |                             |                                                                                                                                                           |
| To publicans, for renewal of licences.                                                                                                                        | 17 & 18 Vic. c. 89, s. 11.  | —                                                                                                                                                         |
| Certificate of order made out of Petty Sessions, to be sent to the Clerk by the Justices.                                                                     | 14 & 15 Vic. c. 93, s. 21.  | —                                                                                                                                                         |
| Certificate of any order made in Petty Sessions to be given to either party demanding it.                                                                     | "                           | —                                                                                                                                                         |
| Certificate for occasional licence to sell spirits, &c., at athletic sports, &c.                                                                              | 25 Vic. c. 22, s. 13.       | See "Tents."                                                                                                                                              |
| <b>CHARACTER TO SERVANT:</b><br>See "Discharge."                                                                                                              |                             |                                                                                                                                                           |
| <b>CHILDREN:</b>                                                                                                                                              |                             |                                                                                                                                                           |
| Liable to maintain parents (according to ability), and if parents relieved by Union,—                                                                         | 1 & 2 Vic. c. 56, s. 57.    | Justices may make order for payment of relief given; recoverable as a penalty. 2 J.                                                                       |
| Husband wilfully neglecting to maintain wife or children, so as they shall become destitute, and receive relief in or out of any workhouse.                   | 10 & 11 Vic. c. 84, s. 2.   | Imprisonment not exceeding 3 months H. L.                                                                                                                 |
| Aggravated assault on male child not more than 14 years, where the Justice is of opinion that the punishment prescribed for "common assault" is not adequate. | 24 & 25 Vic. c. 100, s. 43. | Imprisonment not exceeding 6 months, or fine not exceeding (with costs) £20; and may be bound to the peace for 6 months from expiration of sentence. 1 J. |
| Exposing children under two years, whereby life endangered.                                                                                                   | 24 & 25 Vic. c. 100, s. 56. | Indictable misdemeanor.                                                                                                                                   |
| Stealing or enticing away child under 14, with intent to deprive parent or guardian of the possession.                                                        |                             | Felony.                                                                                                                                                   |
| Illegitimate children under 14 supported in workhouse, or out of poor rates.                                                                                  | 26 Vic. c. 21, ss. 2 & 3.   | Guardians may recover cost from putative father by civil bill process. Mother to make oath before a J. P. in Petty Sessions.                              |
| See also "Chimney Sweeps" and "Poor Law."                                                                                                                     |                             |                                                                                                                                                           |



| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                | Statute.                                                                                    | Extent of Jurisdiction.                                                                                                                                                                 |
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| <p><b>CHIMNEY SWEEPS:</b><br/>           Any person who shall compel or knowingly allow any child under age of 21 years to ascend or descend a chimney, or enter a flue, to sweep or clean same, or extinguish a fire therein.<br/>           Indentures on, if under the age of 16 years, null and void.<br/>           Section 6 regulates the construction of chimneys.</p> | <p>3 &amp; 4 Vic. c. 85, s. 2.<br/>           (27 &amp; 28 Vic. c. 37, ss. 9 &amp; 11).</p> | <p>Penalty not exceeding £10; in default, &amp;c., imprisonment not exceeding 2 months; or in lieu of penalty, may be imprisoned with or without H. L. not exceeding 6 months. 2 J.</p> |
| <p><i>Chimney Sweeps Act, 1864.</i>—This Act to be construed with the preceding one of 1840.*<br/>           Chimney Sweeper not to employ a child under 10 to do or assist in doing any work or thing in or about the trade or business of a chimney sweeper, elsewhere than in his own house, &amp;c.</p>                                                                    | <p>27 &amp; 28 Vic. c. 37, s. 6.</p>                                                        | <p>Penalty not exceeding £10; in default, &amp;c., imprisonment not exceeding 2 months. 2 J.</p>                                                                                        |
| <p>Chimney Sweeper entering house or building for purpose of sweeping, &amp;c., or for extinguishing fire therein, who causes or knowingly allows a person under 16 in his employment or under his control to enter before, with, or after him therein, or to be therein while chimney sweeper continues therein for purposes aforesaid.</p>                                   | <p>s. 7.</p>                                                                                | <p>Like.</p>                                                                                                                                                                            |
| <p>Police Clauses Act, 10 &amp; 11 Vic., c. 89, ss. 30 and 31, provides punishment for the wilfully or accidentally setting fire to chimneys.</p>                                                                                                                                                                                                                              |                                                                                             | <p>The Justice will see if the Act be in force in his district.</p>                                                                                                                     |

\* These Acts have been so interwoven as now to become a little intricate. The latter (sec. 4), provides that the two shall be construed together as one Act, and the expression "this Act" in the former shall include the latter. The latter Act imposes two penalties for offences against ss. 6 & 7, but does not say what is to be the imprisonment in default of payment. It abolishes the minimum penalty of £5, and in lieu of any penalty enables the Justices to give up to 6 months imprisonment for contravening section 2 of the first Act. Now, reading the two Acts as they stand, as one Act, I have considered that where the Justices resort to the pecuniary penalty in sec. 2 of the former Act, the imprisonment for that penalty is not to exceed 2 months, and that is also to be the maximum imprisonment to be proportioned to ss. 6 & 7 of latter Act. The offence in sec. 2 of first Act appears to be the most aggravated, and it would seem that the Justices are empowered, if they see fit, to put aside the pecuniary penalty, and imprison up to 6 months, and as low as they please, but that, having named the pecuniary penalty, they cannot exceed 2 months.

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Statute.                      | Extent of Jurisdiction.                                                                                                                                 |
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| <b>CHURCH :</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                               |                                                                                                                                                         |
| <i>Disturbance in Churches, Church-yards, &amp;c.</i> —Any person guilty of riotous, violent or indecent behaviour in any Church or Chapel of any religious denomination, whether during the celebration of Divine Service or at any other time, or in any church-yard or burial-ground, or who shall molest, let, disturb, vex, or trouble, or by any other unlawful means, disquiet, or misuse any preacher duly authorized to preach therein, or any clergyman in Holy Orders, ministering or celebrating any sacrament or Divine Service, rite, or office in any Cathedral, Church, or Chapel, or in any church-yard or burial-ground, liable on conviction for each offence. | 23 & 24 Vic.<br>c. 82, s. 2.  | Penalty not exceeding<br>£5; or imprisonment<br>not exceeding 2<br>months. 2 J.                                                                         |
| Offenders may be immediately apprehended by Constable or Churchwarden, and taken before a Justice to be dealt with according to law.*<br><i>Appeal.</i> —Persons convicted may appeal to next Quarter Sessions (to be held next after 12 days.)                                                                                                                                                                                                                                                                                                                                                                                                                                   | s. 3.                         | —                                                                                                                                                       |
| <b>CHURCH-YARD :</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                               |                                                                                                                                                         |
| Allowing animals to graze in.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 19 & 20 Vic.<br>c. 98, s. 13. | Fine not exceeding 2s.,<br>nor less than 1s., to be<br>levied as trespass by<br>distress. 1 J.                                                          |
| Burying in private grave without consent of relative.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | s. 12.                        | Penalty not exceeding<br>£10; in default, &c.,<br>imprisonment not ex-<br>ceeding 3 months. 2 J.<br>And may order exhu-<br>mation and reinter-<br>ment. |

\* *Disturbing Worship.*—This statute gives Justices the power to summarily dispose of such offences as heretofore were subjects of indictment, causing much vexation and delay. Such offences do not often take place in this country at present, and when they do, can be adequately dealt with in Petty Sessions.

But it requires 2 Justices to dispose of the case, so that the Justice before whom offender brought, should merely take measures to secure his attendance at Petty Sessions, &c.

| Offence, or cause of Complaint.                                                                                                                                                                                                                            | Statute.                                  | Extent of Jurisdiction.                                                                                       |
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| <b>CLERK OF PETTY SESSIONS:*</b><br>Mode for appointing.                                                                                                                                                                                                   | 21 & 22 Vic.<br>c. 100, ss. 6, 7.         | —                                                                                                             |
| Prescribed duties.                                                                                                                                                                                                                                         | a. 8, and<br>14 & 15 Vic.<br>c. 93, s. 5. | —                                                                                                             |
| Shall not practise as a barrister or attorney, clerk of attorney, clerk of union, collector of public tax, tavern keeper, &c., or occupation which the Lord Lieutenant shall prohibit.                                                                     | 21 & 22 Vic.<br>c. 100, s. 8.             | Exception as to clerks holding appointment at the passing of this Act.                                        |
| <b>COALS:</b><br>Selling coals, slack, culm, or cannel by measure and not by weight.                                                                                                                                                                       | 5 & 6 Wm. iv.<br>c. 63, s. 9.             | Penalty for each sale not exceeding 40s.; in default, &c., imprisonment not exceeding 2 months. Mayor or 2 J. |
| <b>COACH:</b><br>See "Carriages."                                                                                                                                                                                                                          |                                           |                                                                                                               |
| <b>COCK-FIGHTING:</b><br>See "Cruelty to Animals."                                                                                                                                                                                                         | 12 & 13 Vic.<br>c. 92, s. 3.              | Penalty not exceeding £5; in default, &c., imprisonment not exceeding 2 months. 1 J.                          |
| <b>COIN (Offences relating to):†</b><br><i>Defacing.</i> —Whosoever shall deface any of the Queen's current gold, silver, or copper coin, by stamping thereon any names or words, whether such coin shall or shall not be thereby diminished or lightened. | 24 & 25 Vic.<br>c. 99.<br>s. 16.          | As amended by 25 & 26 Vic., c. 50.<br>Indictable misdemeanor.                                                 |

\* The duties of this officer may not here be fully set out; they are extensive and responsible. In England, the office, being in general a most valuable one, is filled by gentlemen of very high respectability, by whom standard works on the office of Magistrates have been compiled. In Ireland they are paid by Government from a fund created by fines, and the stamps used on the proceedings. They receive no fees, so that so far as these ancient and important Courts are concerned, the practice will not justify the common resemblance of Courts of Justice to the bush in the fable, whereunto, while the sheep flies for defence from the weather, she is sure to lose part of the fleece.

The appointment is vested in the Magistrates, and it is of the first importance that the Magistrates should select persons of intelligence and respectability, capable of efficiently performing the duties, and with whom they may with safety confer on many subjects connected with their office; and while it is not proper that the authority of the Judge should in the least degree be delegated to the officer, still "an ancient (*experienced*) clerk, skilful in precedents, wary in proceedings, and understanding in the business of the Court, is an excellent figure of a Court, and doth many times point the way to the Judge himself."—*Bacon's Essay on Judicature*.

† *The Queen's Current Coin.*—"Shall include any coin coined in any of Her

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                       | Statute.                              | Extent of Jurisdiction.                                                                                                                                                                                                                                                                                                                                                                                               |
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| <p><b>COIN—continued.</b><br/>           No tender of payment in money made in any gold, silver, or copper coin so defaced, shall be allowed to be a legal tender; and whosoever shall tender, utter, or put off any coin so defaced.</p> <p>(Proceedings under this section cannot be taken without the consent of the Attorney-General).</p>                                                                                        | <p>24 &amp; 25 Vic. c. 99, s. 17.</p> | <p>Forfeiture not exceeding 40s. 1 J.<br/>           The section does not provide imprisonment in default; but it may be according to Petty Sessions scale (see 25 &amp; 26 Vic., c. 50).</p>                                                                                                                                                                                                                         |
| <p>No person shall make or counterfeit any copper coin, or any other coin made of any metal or mixed metals of less value than the silver coin of any foreign prince, state, or country.</p>                                                                                                                                                                                                                                          | <p>24 &amp; 25 Vic. c. 99, s. 22.</p> | <p>Misdemeanor.</p>                                                                                                                                                                                                                                                                                                                                                                                                   |
| <p>And whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), shall have in his custody or possession any greater number of pieces than five pieces of false or counterfeit coin, resembling or apparently intended to resemble or pass for any gold or silver coin of any foreign prince, state, or country, or any such copper or other coin as in last preceding section mentioned—</p> | <p>s. 23.</p>                         | <p>Shall, on conviction, forfeit and lose all such false and counterfeit coin, which shall be cut in pieces and destroyed by order of the Justice; and for every such offence shall forfeit and pay a sum not exceeding 40s., nor less than 10s., for every such piece of false and counterfeit coin found in such person's custody or possession; and in default of payment, to be imprisoned for 3 months. 1 J.</p> |

Majesty's Mints, or lawfully current, by virtue of any proclamation or otherwise, in any part of Her Majesty's dominions, and whether made of gold, silver, copper, bronze, or mixed metal."—Sec. 1.

*What shall be Possession.*—"It shall include, not only the having of it by himself in his personal custody or possession, but also the knowingly and wilfully having it in the actual custody or possession of any other person; and also the knowingly and wilfully having it in any dwelling-house or other building, lodging, apartment, field, or other place, open or enclosed, whether belonging to or occupied by himself or not, and whether such matter shall be so had for his own use or benefit, or for that of any other person, sec. 1."

Copper coin to a greater amount than 12d. is not a legal tender, nor silver to a greater amount than 40s.

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Statute.                      | Extent of Jurisdiction.                                                                                                                                                                                                                                                                                    |
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| <p><b>COIN—continued.</b><br/>Where any coin shall be tendered as the Queen's current gold or silver coin to any person who shall suspect the same to be diminished otherwise than by reasonable wearing, or to be counterfeit, it shall be lawful for such person to cut, break, bend, or deface, such coin; and if any coin so cut, &amp;c., shall appear to be diminished otherwise than by reasonable wearing, or to be counterfeit, the person tendering same shall bear the loss thereof; but if the same shall be of due weight, and shall appear to be lawful coin, the person cutting, &amp;c., is hereby required to receive the same at the rate it was coined for; and if any dispute shall arise, whether the coin so cut, &amp;c., be diminished in manner aforesaid, or counterfeit,—</p> | 24 & 25 Vic.<br>c. 99, s. 26. | It shall be heard and finally determined in a summary manner by any Justice of the Peace, who is hereby empowered to examine upon oath as well the parties as any other person, in order to the decision of such dispute.*<br>1 J.                                                                         |
| <p><i>Search Warrant.</i>—Where it shall be proved on the oath of a creditable witness that there is reasonable cause to suspect that any person has been concerned in counterfeiting the Queen's current gold, silver, or copper coin, or any foreign or other coin, as in this Act mentioned, or has in his possession any such, or any instrument, tool, or engine whatsoever, adapted and intended for the making or counterfeiting of such coin, or any machine used or intended to be used for making or counterfeiting any such coin, or any filings, clippings, or bullion, or any gold or silver in dust, solution, or otherwise, &amp;c.—</p>                                                                                                                                                  | 24 & 25 Vic.<br>c. 99, s. 27. | J. P., by warrant, to cause any place whatsoever belonging to, or in occupation, or under the control of such suspected person, to be searched either in the day or in the night, and if any such instruments be found, to be brought before him, and, if necessary, secured, to be produced on the trial. |
| <p>See also "Indictable Offences Index:" title, "Coin."</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                               |                                                                                                                                                                                                                                                                                                            |

\* This appears to be merely an *award* which the Magistrates may make either in or out of Petty sessions, and, of course, he can enforce his order by warrant of distress. It is not an "offence," and therefore does not require two Justices, as pointed out in the 41st section. The cases, however, of frequent occurrence, and in reference to which the assistance of the Magistrates is sought, is not that provided for in the section, where the dispute may be as to the fact of coin being current or base; but where, after it is discovered to be base and counterfeit, the person who passed it

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Statute.                    | Extent of Jurisdiction.                                           |
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| <p><b>COMBINATION OF WORKMEN :</b><br/>By violence, threats, or intimidation compelling journeymen to leave employment, or return work unfinished; or preventing their hiring themselves or accepting work; or using violence or threats to force or induce them to join clubs, &amp;c.; or for noncompliance, or compelling any manufacturer, &amp;c., to alter mode of carrying on business, or to limit the number of his apprentices, or the number or description of his workmen.*</p> | 6 Geo. iv. c. 129, s. 8.    | Imprisonment, with or without H. L., not exceeding 3 months. 2 J. |
| <p>Assaulting any person in pursuance of unlawful combination, or conspiracy to raise wages; or respecting trade or manufacture, or person employed therein.</p>                                                                                                                                                                                                                                                                                                                            | 24 & 25 Vic. c. 100, s. 41. | Indictable misdemeanor; imprisonment not exceeding 2 years H. L.  |
| <p><b>COMMON LODGING HOUSES :</b><br/>The term "Common Lodging House," shall mean a house in which persons are harboured or lodged for hire for a single night, or for less than a week at a time; or any part of which is let for any term less than a week.</p>                                                                                                                                                                                                                           |                             | —                                                                 |

altogether denies that it is the coin which he put off, and disputes the identity. In this latter case the Magistrate has no power to make a summary award; it is purely a civil question for the Quarter Sessions or County Court.

*Proof of Coin being Counterfeit.*—"Where, upon the trial of any person charged with any offence against this Act, it shall be necessary to prove that any coin produced in evidence against such person is false or counterfeit, it shall not be necessary to prove the same to be false or counterfeit by the evidence of any moneyer or other officer of Her Majesty's Mint; but it shall be sufficient to prove the same to be false or counterfeit by the evidence of any other credible witness." Sec. 29.

\* 6 George iv., c. 129, sec. 8.—"From and after the passing of this Act, if any person shall by violence to the person or property, or by threats or intimidation, or by molesting, or in any way obstructing another, force, or endeavour to force, any journeyman, manufacturer, workman, or other person hired or employed in any manufacture, trade, or business, to depart from his hiring, employment, or work, or to return his work before the same shall be finished; or prevent, or endeavour to prevent, any journeyman, manufacturer, workman, or other person, not being hired or employed, from hiring himself to, or from accepting work or employment from any person or persons; or if any person shall use or employ violence to the person or property of another, or threats or intimidation, or shall molest or in any way obstruct another for the purpose of forcing or inducing such persons to belong to any club or association,

| Offence, or cause of Complaint.                                                                                                                                                             | Statute.                                                     | Extent of Jurisdiction.                                                                                                   |
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| <b>COMMON LODGING HOUSES—con.</b><br>Neglecting to register, and when registered for offences against the Acts, or Bye-laws made thereunder for the good ordering of common lodging houses. | 14 & 15 Vic. c. 28.<br>16 & 17 Vic. c. 41.<br>23 Vic. c. 26. | Penalty for each offence, not exceeding £5, nor less than 1s.; in default, &c., imprisonment not exceeding 8 months. 2 J. |
| Towns' Improvement Act, 17 & 18 Vic. c. 103; or Bye-Laws made thereunder, not affected by this Act.                                                                                         | 23 Vic. c. 26. s. 8.                                         | —                                                                                                                         |
| <b>COMMONS:</b><br>Skinning or destroying surface.                                                                                                                                          | 29 Geo. iii. c. 30, s. 1.                                    | Penalty £5; in default, &c., imprisonment not exceeding 3 months, nor less than 1 month. 1 J.                             |
| Like offence under 31 Geo. iii. for every square yard destroyed.                                                                                                                            | 31 Geo. iii. c. 38, s. 1.                                    | Penalty not exceeding £5, nor less than 5s., recovered as in former Act. 1 J.                                             |
| Pigs without rings in noses therein, (if owner not known)—<br>And see "Pound."                                                                                                              | 29 Geo. iii. c. 30, s. 5.                                    | May be impounded until payment of 5s. each.                                                                               |
| <b>CONSTABLES:</b><br>Constables neglecting to pay over amounts received or levied under warrant, or to duly account for same.                                                              | 14 & 15 Vic. c. 90, s. 8.                                    | Penalty not exceeding £20, to be reported and levied according to regulations of the "Force." 2 J.                        |

or to contribute to any common fund, or to pay any fine or penalty, or on account of his not belonging to any particular club or association, or not having contributed, or having refused to contribute to any common fund, or to pay any fine or penalty, or on account of his not having complied, or of his refusing to comply with any rules, orders, resolutions, or regulations, made to obtain an advance or to reduce the rate of wages, or to lessen or alter the hours of working, or to decrease or alter the quantity of work, or to regulate the mode of carrying on any manufacture, trade, or business, or the management thereof; or if any person shall by violence to the person or property of another, or by threats, or intimidation, or by molesting, or in any way obstructing another, force, or endeavour to force, any manufacturer or person carrying on any trade or business, to make any alteration in his mode of regulating, managing, conducting, or carrying on such manufacture, trade, or business, or to limit the number of his apprentices, or the number or description of his journeymen, workmen, or servants; every person so offending, or aiding, abetting, or assisting therein, being convicted thereof, in manner hereinafter mentioned, shall be imprisoned only, or shall and may be imprisoned and kept to hard labour, for any time not exceeding three calendar months."

It would also seem that if two or more persons conspire together to commit the

| Offence, or cause of Complaint.                                                                                                                                                            | Statute.                   | Extent of Jurisdiction.                                                                                                                                                             |
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| <b>CONSTABLES—continued.</b>                                                                                                                                                               |                            |                                                                                                                                                                                     |
| Wilful neglect in returning any un-executed warrant at time required by Justices; or wilful default in respect to the execution of the same.                                               | 14 & 15 Vic. c. 93, s. 35. | Penalty not exceeding £5, reported and levied as above. 2 J.                                                                                                                        |
| Neglecting or refusing to obey and execute warrant; or guilty of any neglect or violation of duty in his office.*                                                                          | 6 Wm. iv. c. 13, s. 19.    | Penalty not exceeding £5, to be reported and levied off salary. 2 J.                                                                                                                |
| Constables dismissed, to deliver up arms, accoutrements, clothing, &c.; in default—                                                                                                        | 6 Wm. iv. c. 13, s. 20.    | Imprisonment not exceeding 2 months H. L. 2 J.                                                                                                                                      |
| Resigning or withdrawing without leave.                                                                                                                                                    | s. 21.                     | Penalty not exceeding £10; in default, &c., imprisonment not exceeding 3 months H. L. 2 J.                                                                                          |
| Persons unlawfully in possession of arms, &c., supplied to constables; assuming the dress, name, designation, &c., of constables, so as thereby to obtain admission into houses or places. | s. 25.                     | Penalty not exceeding £10; in default &c., imprisonment not exceeding 1 month H. L. 2 J.<br>Besides being liable to the punishment by law awarded for assuming false name or dress. |

offences above mentioned, they may be indicted as for a conspiracy—misdemeanor at Common Law. See title, "Conspiracy," Indictable Offences Index.

\* A police constable was dismissed in consequence of a censure passed upon him by a Magistrate. He brought an action against the Magistrate. Lord Denman, Chief Justice, held that it was necessary to prove malice, for it was the duty of the Magistrate to express his opinion upon the conduct of police constables.—*Kendillon v. Malby*, 2 M. & Rob., 438. Where the Magistrates impose a pecuniary penalty on a constable for any offence, they should not immediately issue warrant to enforce payment: a report of the conviction should be sent forward through his officer. It is not here deemed necessary to set forth the various offences of which constables are by law and their code of regulations bound to take cognizance, and that come within the range of their duties. The paramount duties are the preservation of the public peace, and the detection of offenders. The comparatively minor, but still important ones, have reference to the following subjects:—Inquests, Nuisances on Highways, Public-houses, Drunkenness on public thoroughfares, Vagrancy, Illicit Distillation, Unlicensed Houses called "Shebeen Houses," Seizing Smuggled Goods, Fishery Laws, Poaching, Weights and Measures, dangerous keeping of Gunpowder, apprehending Deserters, billeting of Soldiers, execution of Magistrates' Warrants, attendance on Magistrates at their Sessions, occasional duties under Poor Laws, Census, &c. But, as already ob-



| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                   | Statute.                                                                                  | Extent of Jurisdiction.                                                                                                                                                                                                                                                                                                                                                               |
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| <p><b>CONSTABLES—continued.</b><br/>           Assaulting, resisting, or wilfully obstructing any peace officer in the due execution of his duty, or any person acting in aid of such officer. But if the Justices consider the offence so trivial as not to require being dealt with by a superior tribunal, they can try it summarily under</p> | <p>24 &amp; 25 Vic. c. 100, s. 38.<br/><br/>           25 &amp; 26 Vic. c. 50, s. 10.</p> | <p>Indictable misdemeanor.<br/><br/>           Imprisonment not exceeding 2 months, with or without H. L., or (at discretion of Justices) fine not exceeding, (together with costs, if ordered) £5 ; in default of payment, either immediately or within such period as the Justices at the time of conviction appoint, imprisonment as above, unless amount be sooner paid. 2 J.</p> |
| <p><i>Special Constables.</i>—Where tumult or riot has taken place, or is apprehended, 2 Justices may swear in.</p>                                                                                                                                                                                                                               | <p>2 &amp; 3 Wm. iv. c. 108.</p>                                                          | —                                                                                                                                                                                                                                                                                                                                                                                     |
| <p><b>CONTAGIOUS DISEASE :</b><br/>           See “Public Health” &amp; “Prostitutes.”</p>                                                                                                                                                                                                                                                        |                                                                                           | —                                                                                                                                                                                                                                                                                                                                                                                     |
| <p><b>COPYRIGHT :</b><br/>           Act for amending the law relating to copyright in works of the fine arts, and for repressing the commission of fraud in the production and sale of such works, providing penalties for fraudulent productions and sales.</p>                                                                                 | <p>25 &amp; 26 Vic. c. 68, ss. 7 &amp; 8.</p>                                             | <p>Pecuniary penalties for offences in Act, recoverable before 2 J., or by action.</p>                                                                                                                                                                                                                                                                                                |
| <p><b>CONTEMPT OF COURT :</b><br/>           If any person shall wilfully insult any Justice or Justices sitting in any such Court or place, or shall commit any other contempt of any such Court—*</p>                                                                                                                                           | <p>14 &amp; 15 Vic. c. 93, s. 9.</p>                                                      | <p>May by verbal order direct removal from the Court or place, or to be imprisoned not exceeding 7 days, or penalty not exceeding 40s. 1 J.</p>                                                                                                                                                                                                                                       |

served, all must be subservient to the preservation of the public peace, and the speedy detection of offenders, the prosecution of those who perpetrate outrages, and those who harbour them. These are all set out in detail in the very admirable code compiled for the guidance and regulation of the force.

\* The section provides for punishing the offence when committed in “open Court,” or “any place” wherein they may be holding private examinations in indictable offences.

“In the case of an insult to the Judge himself, it is not indeed on his account that

| Offence, or cause of Complaint.                                                                                                      | Statute.                           | Extent of Jurisdiction.                                                                                               |
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| <b>CONTRACTOR (Road):</b><br>Assaulting contractor in execution of his duty.<br><br>For neglect in performing contract, see "Roads." | 14 & 15 Vic. c. 92, s. 7.          | Penalty not exceeding £10, or imprisonment not exceeding 3 months. 1 J.                                               |
| <b>CORN :</b><br>Assault with intent to prevent sale of grain.<br>Offering adulterated corn for sale.                                | —<br><br>14 & 15 Vic. c. 92, s. 7. | See "Assault."<br><br>Forfeiture of corn, and penalty not exceeding 40s., or imprisonment not exceeding 1 month. 1 J. |
| Winnowing on roads, &c., or within 30 feet of the centre.                                                                            | s. 10.                             | Penalty not exceeding 10s.; in default, &c., imprisonment not exceeding 14 days. 1 J.                                 |
| <b>CORONER:</b><br>See "Inquest."                                                                                                    |                                    |                                                                                                                       |

the law thus arms him with the authority to fine and imprison the party, for that is a consideration which should never enter into his mind; but, though he may despise the insult, it is a duty which he owes to the station to which he belongs, not to suffer those things to pass which will make him despicable in the eyes of others. It is his duty to support the dignity of his station and uphold the law, so that in his own presence at least it shall not be infringed."—*Holroyd, J.*; 4 *B. & Ald.*, 329.

The Justice should feel satisfied that the offence amounts to a contempt of court, or wilful insult, and that in punishing he is solely acting in the "*execution of his duty as a Justice.*" And in any action brought against him, the plaintiff must, in his declaration, expressly allege that such act was done "maliciously and without reasonable and probable cause; and if on the trial he fail to prove such allegation, he shall be nonsuit, or a verdict shall be given for the defendant."—12 Vic., c. 16, s. 1.

Perhaps Magistrates have a general apprehension, and not without some reason, that their judgment and authority are more likely to be contemned by those who are to some extent "learned in the law," than by the common people. Professional gentlemen are allowed considerable latitude, and the Magistrate should not hastily conclude that because his judgment, and his reasons for it, on legal points may be controverted, and disputed, an insult is thereby offered him, or Contempt of Court committed. Nothing is more becoming in a Judge than patience; but timidity is not to be substituted for that quality. Nor is he when his opinions or views may be gainsayed, and convincing reasons offered to show that he is wrong, to substitute obstinacy for firmness. About a deliberate insult, or Contempt of Court, there could scarcely be a doubt, and when such takes place it should by no means be overlooked, but the Magistrate would perhaps do well to let some short time elapse before dealing with it. If not of an aggravated or unpardonable nature, by just desiring the offending party "not to leave the Court,"

| Office, or cause of Complaint.                                                                                                                                                                                                                                   | Statute.                           | Extent of Jurisdiction.                                                                          |
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| <b>COSTS:</b><br>Justices have power to award costs in all cases of summary adjudication to the party in whose favour the order, whether of conviction or dismissal, is made.                                                                                    | 14 & 15 Vic. c. 93, s. 22.         | Not to exceed 20s.                                                                               |
| <b>COTTIER TENANTS:</b><br>See "Landlord and Tenant."                                                                                                                                                                                                            |                                    |                                                                                                  |
| <b>COURT (<i>Petty Sessions</i>):</b><br>In summary proceedings to be deemed an open Court, and public to have right of access; in indictable offences to be in discretion of Justices.*<br>Contempt of Court, or wilfully insulting Justice.<br>See "Contempt." | 14 & 15 Vic. c. 93, s. 9.<br><br>" | —<br><br>Removal, or committal for not exceeding 7 days, or fine not exceeding 40s. 1 J. Felony. |
| Forging or altering, or putting off, knowing same to be forged, &c., any summons, conviction, order, warrant, recognizance, deposition, declaration, &c.                                                                                                         | 24 & 25 Vic. c. 98, s. 32.         |                                                                                                  |

he would thereby convey what should be expected to follow; and the probability is that an ample apology for a hasty expression in the heat of the moment, would at once vindicate the dignity of the Court and save the Magistrate what must in all such cases be a very disagreeable duty.

When two or more Justices are present, and the insult is offered to one, it becomes the duty of the others to interpose.

When there is only one, he can deal with it.

\* Those cases are indeed but few where Justices will need to sit with "closed doors." If however, in preliminary investigations, where they act ministerially, they consider "that the ends of justice will be thereby best answered," the public may be excluded. In summary proceedings, when acting judicially, the place is to be deemed an open Court.

*An open Court.*—A French Philosopher (Montesquieu) has dared to remark, that whatever is *secret* must be *doubtful*; and that even our natural horror of vice may be abused as an engine of tyranny.

"In the constitution of a Court of Justice, and equivalent to many checks upon the discretion of Judges, is, that its proceedings be carried on in public, *apertis foribus*; not only before a promiscuous concourse of by-standers, but in the audience of the whole profession of the law. The opinion of the bar concerning what passes will be impartial, and will commonly guide that of the public. The most corrupt Judge will fear to indulge his dishonest wishes in the presence of such an assembly; he must encounter, what few can support, the censure of his equals and companions, together with the indignation and reproaches of his country."—*Paley's Philosophy*, chap. 8, on "*Administration of Justice*."

| Offence, or cause of Complaint.                                                                                                   | Statute.                     | Extent of Jurisdiction.                                                                         |
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| CRIMINAL JUSTICE ACT:<br>See "Larceny."                                                                                           | 18 & 19 Vic.<br>c. 126.      | —                                                                                               |
| CRUELTY TO ANIMALS:*                                                                                                              |                              |                                                                                                 |
| Cruelly beating, ill-driving, abusing,<br>or torturing any animal.                                                                | 12 & 13 Vic.<br>c. 92, s. 2. | Penalty not exceeding<br>£5; in default, &c.,<br>imprisonment not ex-<br>ceeding 2 months. 1 J. |
| Bull, dog, or cock fighting.                                                                                                      | 12 & 13 Vic.<br>c. 92, s. 3. | Penalty not exceeding<br>£5; in default, &c.,<br>imprisonment not ex-<br>ceeding 2 months. 1 J. |
| Keeping or using place for purpose.                                                                                               | "                            | Like.<br>Under sec. 18, 2 Justices<br>may commit for 3<br>months without money<br>penalty.      |
| (And see also "Towns' Improve-<br>ment Act," and "Police Clauses<br>Act," (Appendix) against keeping<br>places for purpose.)      |                              |                                                                                                 |
| For regulations to be observed in<br>places used for slaughtering horses,<br>&c., see sections 7, 9, 10, and title,<br>"Knacker." |                              |                                                                                                 |
| Using dogs for purposes of draught.                                                                                               | 17 & 18 Vic.<br>c. 60, s. 2. | Penalty 40s.; in default,<br>&c., 2 months' impris-<br>onment.                                  |
| Second offence . . . . .                                                                                                          | "                            | Penalty £5; in default,<br>&c., 2 months' impris-<br>onment. 1 J.                               |
| CURRENCY:                                                                                                                         |                              |                                                                                                 |
| Currency of Great Britain and Ire-<br>land assimilated by—†                                                                       | 6 Geo. iv.<br>c. 79.         | —                                                                                               |

\* The legislation for preventing cruelty to animals is modern, the most important being that introduced by Mr. Martin, an Irish member of the House of Commons. It is limited to those animals which are useful to man, and others which have come under his dominion and that are of a domestic nature. Some have hitherto drawn but little advantage from it, amongst them is the ass, his "uncomplaining slave." From the days of Balaam to the present there seems to have been "no law for her." There is a large class outside these which may be tortured with impunity. They "testify with one sad voice that man is a cruel master."

"Liveth there one amongst a million that shall not bear witness against him ?

From the elephant toiling at a launch, to the shrew-mouse in the harvest-field;

From the whale which the harpooner hath stricken, to the minnow caught upon  
a pin;

From the albatross, wearied in its flight, to the wren in her covered nest;

The verdict of all is unanimous in finding their master cruel."

*Proverbial Philosophy.*

† In convictions and orders under statutes of the Irish Parliament, the penalty should

| —                                                                                                                                                         | Statute.             |
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| <b>CUSTOMS (<i>Smuggling, &amp;c.</i>):</b>                                                                                                               |                      |
| Act to consolidate and amend the laws relating to the Customs of the United Kingdom.                                                                      | 16 & 17 Vic. c. 107. |
| 1st part.—As to the appointment of Officers of Customs, Ports, &c.                                                                                        | ss. 1 to 40.         |
| 2nd part.—As to the importation, or prohibition, entry, examination, landing and warehousing of goods.                                                    | ss. 41 to 46.        |
| 3rd part.—As to the exportation and entry of goods, and the clearance of ships from the United Kingdom to parts beyond the sea.                           | ss. 117 to 150.      |
| 4th part.—As to the coasting trade of the United Kingdom.                                                                                                 | ss. 151 to 158.      |
| 5th part.—As to particular provisions relating to the Channel Islands and <i>British Possessions</i> abroad.                                              | ss. 159 to 194.      |
| 6th part.—As to bonds and other securities relating to the Customs.                                                                                       | ss. 195 to 197.      |
| 7th part.—As to making and signing false declarations relating to the Customs, falsely answering questions, and counterfeiting and using false documents. | s. 198.              |
| 8th part.—As to the restrictions on small craft, and the regulations for the prevention of smuggling.                                                     | ss. 199 to 262.      |
| 9th part.—As to the course of procedure for recovering penalties and enforcing forfeitures under this or any other Act relating to the Customs.           | ss. 263 to 323.      |
| 10th part.—As to reciprocity in commerce between British and Foreign countries.                                                                           | ss. 324 to 331.      |
| 11th part.—As to the acquisition and disposal of lands for the service of the Customs.                                                                    | ss. 332 to 345.      |
| 12th part.—As to the Isle of Man, repealing clauses, forms of proceedings, tables of fees, &c.*                                                           | —                    |
| And see amended Act.                                                                                                                                      | 25 & 26 Vic. c. 63.  |

be entered and set forth in the present currency. For in entering a penalty of “£10 Irish,” it will mean £10 British, both now being the same, and the conviction will be improper as being excessive. It would be desirable, and tend to the safety of the Magistrate, were a short Act passed, providing that penalties under the Irish Acts should henceforward be taken to be penalties in the present currency. It need not interfere with fines provided for in deeds, renewals of leases, &c.

\* It is conceived that the above subdivision of the contents may be useful, the more easily to consult this very voluminous and important enactment.

All penalties under Customs Acts go to the Customs, 16 & 17 Vic. c. 107, s. 282.

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                               | Statute.                     | Extent of Jurisdiction.                                                    |
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| <p><b>CUSTOMS (<i>Offences against</i>):</b><br/> <i>Offences connected with Smuggling.*</i>—<br/> Master and owner of any vessel or boat unlawfully used in importing, landing, removing, carrying, or conveying, uncustomed or prohibited goods, (when Commissioners of Customs direct proceedings to be taken before Justices).</p>                                                                                        | 16 & 17 Vic. c. 107, s. 203. | Penalty equal to the value of the boat or vessel, not exceeding £500. 1 J. |
| <p>Goods unshipped without payment of duty, and prohibited goods imported, warehouse goods illegally removed, prohibited goods about to be exported; or if goods subject to duty or prohibited be found concealed, or to have been concealed, on board ship or boat; such goods, and the goods packed with them for the purpose of concealment, shall be forfeited.</p>                                                       | ss. 209, 273.                | 1 J.                                                                       |
| <p><i>Suspected Carts, Waggon, &amp;c.</i>—Officers of Customs and Excise, or other persons duly employed for prevention of smuggling, may, upon reasonable suspicion, stop and examine carts, waggons, &amp;c., for the purpose of ascertaining whether any smuggled goods are contained therein; and all persons driving or conducting such, refusing to stop, or allow examination, when required in the Queen's name.</p> | s. 220.                      | Penalty £100; in default of payment to be committed until paid. 1 J.       |
| <p>Officers authorized by writ of assistance may, in the day-time, enter and search houses and other places for uncustomed or prohibited goods.</p>                                                                                                                                                                                                                                                                           | s. 221.                      | —                                                                          |
| <p>Ships, boats, carriages, horses, &amp;c., used in removal of run goods shall be forfeited.</p>                                                                                                                                                                                                                                                                                                                             | ss. 222, 273.                | 1 J.                                                                       |

\* By the 20 & 21 Vic. c. 40, s. 5, "officers (officers include head and other constables) of the Constabulary Force shall have, use, and exercise all the powers and authorities, and have and possess all the privileges which are or may be exercised, had, or possessed by any officer of Customs under the above Act, or any other Act now in force, or hereafter to be passed in relation to the Customs, so far as relates to any seizure, detention, or prosecution, which may be made or had under any such Act or Acts, and shall be deemed and considered to be officers of Customs for such purposes." The offences to which the powers vested in the Constabulary will more particularly apply are those contained in sections 220, 221, 222, 223, 232, 234, 247, and the mode of procedure.

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                | Statute.                                | Extent of Jurisdiction.                                                                                                                    |
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| <p><b>CUSTOMS—continued.</b><br/>Ships, boats, goods, &amp;c., liable to forfeiture, and persons liable to be detained, may be seized or detained in any place upon land or water by officer or other person duly authorized.</p>                                                                                                                                              | <p>16 &amp; 17 Vic. c. 107, s. 223.</p> | <p>—</p>                                                                                                                                   |
| <p>Police officer or other person duly authorized, seizing goods, to carry them to next Customs warehouse within 48 hours.</p>                                                                                                                                                                                                                                                 | <p>s. 224.</p>                          | <p>—</p>                                                                                                                                   |
| <p>Where police officer suspects that such goods had been feloniously stolen, he may carry them to the police office to which offender is taken, to be produced on the trial, and shall give notice in writing to the Commissioners of Customs of such detention, with the particulars of same, and after the trial, shall deposit same in Customs warehouse. For neglect—</p> | <p>s. 225.</p>                          | <p>Penalty £20. 1 J.<br/>To be enforced as penalties against constables usually are.</p>                                                   |
| <p>(The notice required by s. 226 to be given to master or owner of ship, or of the goods seized, is not required where the seizure is made in presence of the offender. See 18 &amp; 19 Vic. c. 96, s. 29.)</p>                                                                                                                                                               |                                         |                                                                                                                                            |
| <p><i>Smuggled Goods on the Person.</i>—Persons on board ship, or after landing, may be searched, if officers have good reason to suspect that smuggled goods are concealed upon them; and for obstructing officer—</p>                                                                                                                                                        | <p>s. 229.</p>                          | <p>£100; in default to be committed until paid.<br/>1 J.</p>                                                                               |
| <p>Any passenger or other person on board such ship or boat, or having landed from any such, who shall, upon being questioned by any such officer whether he has any foreign goods upon his person or in his possession, deny the same, and any such goods shall after such denial be discovered to be, or to have been upon his person or in his possession.</p>              | <p>”</p>                                | <p>Goods shall be forfeited, and such person shall forfeit treble the value of such goods; in default to be committed until paid. 1 J.</p> |

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Statute.                        | Extent of Jurisdiction.                                                                                                            |
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| <b>CUSTOMS—continued.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                 |                                                                                                                                    |
| Persons, before search, may require to be taken before a Justice or officer of Customs. A female shall not be searched by any other than a female.                                                                                                                                                                                                                                                                                                                                                                           | 16 & 17 Vic.<br>c. 107, s. 230. | —                                                                                                                                  |
| <i>Officer's Misconduct.</i> — Any officer required to take any such person before such Justice, Collector, or Comptroller, or other superior officer of Customs, shall do so with all reasonable despatch; but if such officer shall require any person to be searched, not having reasonable ground to suppose that he has uncustomed or prohibited goods about his person—                                                                                                                                                | s. 231.                         | Shall forfeit and pay a sum not exceeding £10. 1 J.                                                                                |
| Persons concerned in importing prohibited or restricted goods, whether unshipped or not, and persons unshipping harbouring such goods, or any goods illegally removed without payment of duty; or be knowingly concerned in conveying, removing, concealing, &c., or in any manner dealing with any goods liable to duties, with intent to defraud her Majesty; or shall be in any way knowingly concerned in any fraudulent evasion, or attempt at evasion, of such duties, or any part thereof, shall in every such case—* | s. 232.                         | Forfeit either treble the value of the goods or the penalty of £100, at the election of Commissioners of Customs. 1 J.             |
| Removing goods from ship, quay, or place prior to examination by the proper officer, or removing goods, before account taken, or that same are duly warehoused, and every person assisting or knowingly permitting or causing same to be kept or concealed, or the person to whose possession same shall knowingly come.                                                                                                                                                                                                     | s. 233.                         | Forfeit treble value, or penalty of £100, at the election of Commissioners of Customs; in default to be committed until paid. 1 J. |

\* This section embraces four different offences, to any one of which the penalty attaches.



| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                         | Statute.                     | Extent of Jurisdiction.                                                                                                                                                                                         |
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| <b>CUSTOMS—continued.</b>                                                                                                                                                                                                                                                                                                                                                                               |                              |                                                                                                                                                                                                                 |
| <i>Persons Liable to Detention.</i> —Every person who shall unship, or be aiding or concerned in the unshipping of any spirits, tobacco, snuff, tobacco-stalks, tobacco-stalk flour, or snuff works, or of any tea or silk, such tea or silk being of the value of £10 or upwards, liable to forfeiture under Customs or Excise Acts, or who shall carry, convey, or conceal, or be aiding in so doing— | 16 & 17 Vic. c. 107, s. 234. | May be detained, and for the offence shall forfeit treble value of such goods, or the sum of £100, at the election of the Commissioners of Customs; and in default of payment to be committed until paid.* 1 J. |
| Persons found or discovered to have been on board vessels liable to forfeiture for being found within certain limits of the coast, with goods liable to seizure, may be detained and taken before Justice of the Peace, and on being convicted—                                                                                                                                                         | s. 235.                      | For first offence to be imprisoned at H.L. for not less than 6 nor more than 9 months; second offence, from 9 to 12 months; third or subsequent offence, 12 months. 1 J.                                        |
| Persons found or discovered to have been on board any ship or boat, within any port, bay, &c., of the United Kingdom or the Channel Islands, with contraband articles; such person shall and may be detained and taken before a Justice.                                                                                                                                                                | 18 & 19 Vic. c. 96, s. 28.   | Penalty £100; in default of payment to be committed until paid. 1 J.                                                                                                                                            |

\* *Penalties how levied when Prisoner detained, and how when he appears on Summons.*—“In case of the non-payment of any penalty incurred for any offence in respect of which the offender is not liable to detention, such Justice or Justices, or any other Justice or Justices, may, by warrant under his or their hand and seal, commit such party to any of Her Majesty’s gaols within his or their jurisdiction, there to remain until the penalty shall be paid.” Sec. 278.

*Persons detained and convicted* shall immediately, and without any mitigation, pay the penalty imposed, or in default, shall, by warrant under hand and seal, be committed until penalty be paid, and if the Act requires it, to be kept to hard labour. Sec. 281.

*Informations and Convictions, Warrants, &c.*, to be in the form in schedule to Act. Sec. 269.

*Summons* to be served personally, or by leaving same at last known place of abode, or on board ship. Sec. 270.

*Ex parte.*—If party summoned do not appear, Justice may proceed *ex parte*. Sec. 272.

Justices empowered, upon due proof, to condemn goods liable to forfeiture. Sec. 273.

*Offences on the Waters.*—Where offences are committed on the waters, and there is a doubt as to the county, for the purposes of this Act they may be deemed to be committed on the high seas; and to give jurisdiction, every offence shall be deemed to

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Statute.                                                              | Extent of Jurisdiction.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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| <p><b>CUSTOMS—continued.</b><br/>Persons in Her Majesty's service so detained, to be secured on board until Magistrate's warrant procured.</p> <p>Persons escaping may at any time afterwards be detained and taken before Justice.</p> <p>Persons detained and taken before Justice for being found, or discovered to have been on board any ship or boat, within any port, bay, harbour, &amp;c., of the United Kingdom or the Channel Islands, having on board, or having had on board, spirits or tobacco, in such casks or packages as would, under this or any Customs Act, subject the same to forfeiture; or for unshipping, or for aiding or being concerned in the unshipping of any spirits or tobacco liable to forfeiture under any Act relating to Customs or Excise; or for carrying, conveying, or concealing, or for aiding or being concerned in so doing, any such spirits or tobacco, if it appear to the Justice that the spirits so detained does not exceed two gallons, or that the tobacco so detained does not exceed 10 lbs.</p> | <p>16 &amp; 17 Vic. c. 107, s. 237.</p> <p>s. 238.</p> <p>s. 239.</p> | <p>Magistrates required to issue such warrant upon complaint and stating the offence by officer of Customs. 1 J.</p> <p>To be dealt with as if detained at the time of committing the offence. 1 J.</p> <p>Forfeiture not less than single value nor more than treble value of the goods, including duties of importation due thereon; in default of payment imprisonment not exceeding 1 month; and the Justice may proceed summarily to convict without information, and although no direction shall have been given by the Commissioners of Customs. 1 J.</p> |

have been committed, either where it actually was committed, or in any place on land, where the offender may be, or be brought. Sec. 275.

*Adjoining County.*—Justice of adjoining county may act when required. Sec. 276.

*Mitigation.*—Justices may mitigate penalties where they shall deem it expedient so to do, to one-fourth; but persons liable to be detained, and who shall be detained and convicted, shall pay the penalty *without mitigation*. Secs. 280, 281.

*Gaoler.*—Where person is committed in default of payment of penalty less than £100, gaoler shall discharge such person at end of 6 months.

*Limitation of Imprisonment.*—Where the penalty imposed by this or any Customs Act is £100 or upwards, and it is a first offence, Justice may fix the imprisonment at not less than 6 nor more than 9 months; and if before convicted, *in lieu* of the penalty not less than 6 nor more than 12 months at hard labour. Where offender is a female or infirm, Justice may commute hard labour (secs. 284, 286); and cause of mitigation shall be stated in warrant.

Prisoner undergoing imprisonment for an offence for which he may be liable to hard

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Statute.                     | Extent of Jurisdiction.                                                                                                                  |
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| <b>CUSTOMS—continued.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                              |                                                                                                                                          |
| If any person shall offer for sale any goods, under pretence that the same are prohibited, or have been unshipped and run on shore without payment of duties (although not liable to any duties or prohibited).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 16 & 17 Vic. c. 107, s. 241. | All such goods shall be forfeited, and every person so offering the same for sale shall forfeit treble the value of such goods. 1 J.     |
| Persons signalling smuggling vessels may be detained and taken before Justice; proof of signal not being intended to lie on defendant.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | s. 244.                      | Misdemeanor, returnable for trial to Quarter Sessions.                                                                                   |
| Persons assembled to the number of three, or more, for the purpose of unshipping, carrying, conveying, or concealing any spirits or tobacco, or any tea or silk (such tea or silk being of the value of £10, or more), liable to forfeiture under Customs or Excise Acts; and every person who shall by any means procure or hire, or depute or authorize, any other person to procure or hire any person or persons to assemble for the purpose of being concerned in the landing or unshipping, or carrying, conveying, or concealing any goods which are prohibited to be imported, or the duties for which have not been paid or secured, or obstructing officers, &c., or their assistants, or attempting to rescue goods seized, or attempting to break or destroy same to prevent seizure. | s. 247.                      | First offence, not less than 6 nor more than 9 months H.L.; second offence, 9 to 12 months; third or subsequent offence, 12 months. 1 J. |

labour, and it is discovered that he had been before convicted of a similar offence, Justice may require the gaoler to produce the prisoner, and may amend the commitment accordingly. Sec. 287.

*Remand.*—By the 18 & 19 Vic. c. 96, sec. 30: Persons detained and brought before Justice may be remanded a reasonable time to obtain the order of the Commissioners, and to prepare the necessary proceedings. Warrant may issue to apprehend offender if it be proved that he is likely to abscond before information can be heard, and persons detained or apprehended may be bailed to appear at the hearing. Recognizance to be in the sum of £100, or the amount of the penalty sued for.

*Option to remove Case.*—The option given by sec. 264 of 16 & 17 Vic. c. 107, to defendant, of removing proceedings before Justice to a Superior Court, shall not be exercised after the commencement of the trial or hearing before such Justice. See 18 & 19 Vic. c. 96, s. 83.

*Clerks' Fees.* The schedule to the Act sets forth the fees payable to Justices' clerks in proceedings under the Customs Acts.

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                  | Statute.                     | Extent of Jurisdiction.                                                                                                                                                                                                                                                                                               |
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| <b>CUSTOMS—continued.</b>                                                                                                                                                                                                                                                                                                                        |                              |                                                                                                                                                                                                                                                                                                                       |
| Persons assembled to the number of three, or more, armed with offensive weapons to aid in landing or rescuing smuggled goods.                                                                                                                                                                                                                    | s. 248.                      | Felony, triable by indictment.                                                                                                                                                                                                                                                                                        |
| Shooting at boats, officers, &c., belonging to the navy or revenue service.                                                                                                                                                                                                                                                                      | 16 & 17 Vic. c. 107, s. 249. | Felony.                                                                                                                                                                                                                                                                                                               |
| Five or more persons in company, having smuggled goods, or two armed and disguised.                                                                                                                                                                                                                                                              | s. 250.                      | Felony.                                                                                                                                                                                                                                                                                                               |
| Any person assaulting, resisting, or obstructing officers or persons employed for the prevention of smuggling, or their assistants, in execution of their duty.                                                                                                                                                                                  | s. 251.                      | Triable by indictment.                                                                                                                                                                                                                                                                                                |
| <i>Witnesses.</i> —Justice may summon witnesses, wherever residing in the United Kingdom, to appear before him, and if they, without just excuse, fail to attend, or attending, if they refuse to give evidence—                                                                                                                                 | s. 274.                      | Penalty not exceeding £50, as the Justice may think fit; in default, may be committed until paid. 1 J.                                                                                                                                                                                                                |
| Making false declarations, signing false documents, untruly answering questions, counterfeiting and using false documents in matters relating to the Customs.                                                                                                                                                                                    | 18 & 19 Vic. c. 96, s. 38.   | Penalty £100; in default of payment, to be committed until paid. 1 J.                                                                                                                                                                                                                                                 |
| <b>DEBTS:</b>                                                                                                                                                                                                                                                                                                                                    |                              |                                                                                                                                                                                                                                                                                                                       |
| Small Debts Act (under £2),* . . . It shall be lawful for the Justice or Justices at Petty Sessions to hear and determine causes for the recovery of debts, between party and party, under the value of £2, where the right to recover such debts shall have accrued within 12 calendar months before the day of the date of the process issued. | 22 Vic. c. 14. s. 5.         | “The Justice or Justices shall either make an order for the payment of the sum claimed, or shall dismiss the complaint, either upon the merits, or without prejudice, and with or without costs, not exceeding 5s.; and shall direct execution by the seizure and sale of the defendant's or plaintiff's goods.” 1 J. |
| (Power of appeal given to plaintiff and defendant). See Act and Schedules in Appendix.                                                                                                                                                                                                                                                           |                              |                                                                                                                                                                                                                                                                                                                       |

\* *Jurisdiction.*—“The Act applies to debts in the usual sense of that term; no demand for anything in the nature of damages, as breach of warranty, false representation, or deceit, falls within it; cases between master and apprentice are not within the Act. The original debt must have been contracted within twelve months. The amount recovered must be under £2; if it has been reduced by payments, and

| Offence, or cause of Complaint.                                                                                                                                    | Statute.                    | Extent of Jurisdiction.                                                                         |
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| <b>DECLARATIONS :</b>                                                                                                                                              |                             |                                                                                                 |
| Solemn declarations are taken by J.P., under Act for suppression of voluntary and extra judicial oaths; and see "Dying Declarations" in Indictable Offences Index. | 5 & 6 Wm. iv. c. 62.        | And wilfully making a false declaration is an Indictable Misdemeanor. (See also "Affirmation.") |
| <b>DEER :</b><br>See "Larceny."                                                                                                                                    |                             |                                                                                                 |
| <b>DEMOLISHING (Buildings, &amp;c.):</b><br>See "Landlord and Tenant."                                                                                             |                             |                                                                                                 |
| <b>DESERTED TENEMENTS :</b>                                                                                                                                        |                             |                                                                                                 |
| Viewing and certifying by Justices, for purposes of ejection.                                                                                                      | 23 & 24 Vic. c. 154, s. 79. | Form of certificate in Schedule to Act; and see Appendix. 2 J.                                  |

the balance sought to be recovered is under £2, the case is within the Act; but if the debt were originally contracted more than twelve months ago, a subsequent reduction of the debt by payments made within twelve months will not bring the case within the Act. The Magistrates may enforce the attendance of witnesses, as pointed out by the 14 and 15 Vic. c. 93, s. 13. No decree can be issued against the person; only 5s. costs can be awarded in any case.—*Castle Circular, 12th August, 1859.*

*Decree to hold good for a year.—Circular 25th Sept. 1865.*

*Law Officers' opinion, dated 10th Sept. 1866 :—*

1st. Small debts for rent contracted within the year—such as rent due on weekly holdings or for use and occupation—are "Debts" within the statute.

2nd. So is an Attorney's bill for costs if under 40s.

3rd. If a debt single in its nature—for example, £5 lent at one time—is proved to be due, the Plaintiff cannot, before the Justices, abandon the excess and take an order for a sum less than £2. It is different if the debt has been, before the process, reduced by payment to less than 40s.—the Magistrates then have jurisdiction.

4th. If the process is for a sum within the jurisdiction—for example, for £1 15s., and it is proved that only £1 is due, the Magistrates can give a decree or order for the less sum.

5th. The service of the process need not be personal, but may be in the manner prescribed by 14 & 15 Vic. c. 93, sec. 12, and 22 Vic. c. 14, sec. 9.

*Stamps.*—There are two distinct classes of stamp duties imposed on the proceedings, viz. :—stamp duties, properly so called, payable to Her Majesty, under sec. 6 (Schedule A); and fees denoted by stamps under sec. 7 (Schedule C).—*Circular, 17th November, 1859.*

Stamped forms of process, and the others in Schedule A, may be had of any stamp distributor. Schedule C are the Petty Sessions stamps. A 6d. stamp should be put on the *entry of the case* in the book, and a 6d. stamp on the *entry of the order*.

*Justice's Order.*—The words of the Act, it will be observed, are "shall either make an order for the payment of the sum claimed, or shall dismiss the complaint," from which it would appear that there is no power to make an order for a less sum, unless by Plaintiff's consent, but see Law Adviser's opinion to the contrary above given.

| Offence, or cause of Complaint.                                                                                                                                                                                          | Statute.                                                                                   | Extent of Jurisdiction.                                                                                  |
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| <b>DESERTERS:</b><br>From H. M.'s service, when brought before Justices—                                                                                                                                                 | Mutiny Act (Annual)                                                                        | To be committed to gaol, or to depôt, if convenient. Justice to report to War Office without delay. 1 J. |
| <b>DESERTING WIFE OR CHILD:</b><br>So that they become destitute, and receive relief in or out of work-house.<br>See "Poor Law" and "Married Women."                                                                     | 10 & 11 Vic. c. 84, s. 2.                                                                  | Imprisonment not exceeding 3 months. H. L. 1 J.                                                          |
| <b>DILAPIDATION:</b><br>See "Landlord and Tenant."                                                                                                                                                                       |                                                                                            |                                                                                                          |
| <b>DISCHARGE (<i>Servant</i>):</b><br>Master refusing discharge and certificate of behaviour to servant, if no sufficient cause shown, J.P. may give certificate accordingly.<br>See "Master and Servant." "Apprentice." | 2 Geo. i. c. 17, s. 4.                                                                     | 1 J.                                                                                                     |
| <b>DISCHARGE FROM FIRST CONVICTION:</b><br>See "First Offence."                                                                                                                                                          |                                                                                            |                                                                                                          |
| <b>DISCRETION:</b><br>In admitting to bail for certain offences.<br>In discharging offender from his first offence, under—<br>Like under "Larceny Act."                                                                  | See 14 & 15 Vic. c. 93, s. 16.<br>14 & 15 Vic. c. 92, s. 21.<br>18 & 19 Vic. c. 126, s. 1. | —<br>—<br>—                                                                                              |
| <b>DISPUTES:</b><br>Between buyer and seller.<br>See "Fairs and Markets."                                                                                                                                                |                                                                                            |                                                                                                          |
| <b>DISTILLATION (<i>Illicit</i>):</b><br>See "Excise."                                                                                                                                                                   |                                                                                            |                                                                                                          |
| <b>DISTRESS (<i>for Rent, &amp;c.</i>):</b><br>No person making any distress for rent, taxes, rates, &c. (where the sum due shall not exceed £20), to take other charges than those                                      | 9 & 10 Vic. c. 111, s. 15.                                                                 | —                                                                                                        |

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                  | Statute.                      | Extent of Jurisdiction.                                                                                                                                                                     |
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| DISTRESS ( <i>for Rent, &amp;c.</i> )— <i>continued.</i><br>mentioned in Schedule to Act, and in no case to charge for any matter not really done.*                                                                                                                              |                               |                                                                                                                                                                                             |
| Any person who shall levy or take from any person, or retain from the produce of goods sold for rent, taxes, &c., any greater costs or charges than are set forth in the Schedule to this Act, or who shall make any charge for any matter or thing not having been really done. | 9 & 10 Vic.<br>c. 111, s. 16. | Justice to award treble the amount so unlawfully taken, to be repaid by the person so acting to the party complaining, with full costs, by distress; in default, committal until paid. 2 J. |
| Witnesses disobeying summons, or refusing to give evidence.                                                                                                                                                                                                                      | s. 17.                        | Penalty not exceeding 40s.; recoverable as above. 2 J.                                                                                                                                      |
| If complaint unfounded, Justices may give costs, not exceeding 20s., to party complained against.                                                                                                                                                                                | s. 18.                        | —                                                                                                                                                                                           |
| No judgment to be given against any Landlord, unless he personally levies the distress.                                                                                                                                                                                          | "                             | —                                                                                                                                                                                           |
| Parties not to be barred of other legal remedies.                                                                                                                                                                                                                                |                               |                                                                                                                                                                                             |

\* *Schedule of the limitation of costs and charges on distresses for small rents or rates, taxes, impositions, or assessments, not exceeding £20:*

|                                                                                                                                                                                                        | s. | d. |
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| Levying distress, . . . . .                                                                                                                                                                            | 2  | 0  |
| Man in possession, per day, each (but not exceeding two in number, unless upon information sworn before a Justice, that a rescue or violence is apprehended), . . . . .                                | 2  | 0  |
| All expenses of advertisements, if any such, . . . . .                                                                                                                                                 | 5  | 0  |
| Catalogues, sale and commission, and delivery of goods, 1s. in the pound on the net produce of the sale, if sold by a licensed auctioneer; otherwise, 6d. in the pound on the net produce of the sale. |    |    |

*Auction Fees.*—In a distress made for rates, where the auctioneer deducted from the proceeds of the sale 5 per cent., having also charged the purchaser 5 per cent., the following opinion was given by the Law Adviser:—

"This not being one of the excepted cases in the 8 & 9 Vic., c. 15, s. 5, I think it was necessary to have a licensed auctioneer. The Statute, 9 & 10 Vic., c. 111, Schedule B, has fixed 1s. in the pound to cover all expenses of sale, commission, and delivery; to this extent the farmer is bound to pay, but he is not to be called on to pay more, either directly or indirectly: and he does pay it *indirectly* if his goods are sold on the terms that the purchaser is to pay auctioneer's fees, for he will then give so much less. If that 5 per cent. has already been paid by the purchaser to the auctioneer, pursuant to previous arrangement, I think it ought not to be again deducted from the farmer by the collector."

Growing crops, plants, &c., are not to be seized under Civil Bill decrees or Justices' orders, 26 & 27 Vic., c. 62.

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Statute.                                                                                                          | Extent of Jurisdiction.                                                                                                                                                                                                                                    |
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| <p><b>DISTRESS—continued.</b><br/>           Bailiffs and others, who shall levy any distress whatsoever, shall on demand of the party distrained, give a copy of his charges, and of the costs and charges of distress signed by him; in default—<br/>           Printed copy of clauses of Act to be hung up in Petty Sessions House.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <p>9 &amp; 10 Vic.<br/>           c. 111, s. 20.</p> <p>a. 21.</p>                                                | <p>Shall be liable to forfeit not exceeding 40s., to be levied by distress and sale of his goods.<br/>           2 J.</p> <p>—</p>                                                                                                                         |
| <p><b>DOGS:</b><br/>           Setting on dogs to attack or worry persons or animals in roads or streets.</p> <p>Any person who shall keep or suffer to be at large within fifty yards of any public road, any dog, without being muzzled, or without a log of sufficient weight to prevent such dog from being dangerous.*</p> <p>Justices may, by warrant, direct constables to seize and kill any dangerous dog so kept at large.</p> <p><i>Injury to Sheep by Dogs.</i>—Owner of dog shall be liable for damages done by such dog to any sheep, where the damages claimed shall not exceed £5.</p> <p>Mischivous propensity of dog, or of owner's knowledge thereof, of owner's neglect, need not be proved.</p> <p>Occupier of house or apartment, as case may be, where the dog was, at time of the injury, permitted to live, or remain, to be deemed the owner, unless the contrary (or that the dog were allowed there without his sanction or knowledge) be proved.</p> <p>Stealing dogs, &amp;c., see "Larceny."</p> | <p>14 &amp; 15 Vic.<br/>           c. 92, s. 10.</p> <p>"</p> <p>25 &amp; 26 Vic.<br/>           c. 59, s. 1.</p> | <p>Penalty not exceeding 10s.; in default, &amp;c., imprisonment not exceeding 14 days. 1 J. Like.</p> <p>—</p> <p>Owner of sheep may obtain order for damages not exceeding £5, recoverable by distress under Petty Sessions Act.<br/>           1 J.</p> |

\* It is said that if a dog be out in presence and under control of its master or other person, although unlogged and unmuzzled, and on a public road, it will not be considered *at large* within the meaning of the above section. Were it otherwise, sporting dogs, or a pack of hounds, may be brought within it.

The suffering a mastiff or other furious dog to go about unmuzzled, is a public nuisance, and the owner may be indicted.



| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                      | Statute.                                        | Extent of Jurisdiction.                                                                                                                                                                                                                                                             |
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| <p>DOGS—<i>continued.</i><br/>           Killing or maiming, see "Malicious Injuries;" also, "Cruelty to Animals."<br/>           For game dogs, see "Game."</p>                                                                                                                                                                                     |                                                 |                                                                                                                                                                                                                                                                                     |
| <p>Dogs' REGULATION ACT, 1865.<br/> <i>Licence.</i>—Person having in his possession or custody, any dog or dogs, shall before 31st March in each year, take out licence from Petty Sessions clerk of the district, in default—</p>                                                                                                                   | <p>28 Vic. c. 50.<br/>           ss. 6. 20.</p> | <p>Penalty not exceeding £2; in default, &amp;c., imprisonment not exceeding 1 month. 1 J.</p>                                                                                                                                                                                      |
| <p>Where owner and person having the custody, reside in different Petty Sessions districts, the latter shall take out the licence.</p>                                                                                                                                                                                                               | <p>s. 6 &amp; 20.</p>                           | <p>And Justice shall order such person forthwith to take out licence, and for keeping after order without licence, shall, in addition to the penalties imposed for second and subsequent offences, pay a sum not exceeding 1s. a day, for each day dog so kept without licence.</p> |
| <p><i>Liability.</i>—Occupier of house or premises where dog kept, or permitted to live or remain, liable to licence duty, unless proof given that he is not owner or that dog remains in premises without his knowledge. Where there are joint occupiers, the occupier of that part where dog so kept, or permitted to remain, shall be liable.</p> | <p>s. 7.</p>                                    |                                                                                                                                                                                                                                                                                     |
| <p>Clerk to enter all licences in book to be kept for the purpose—to be open for inspection of Constabulary, Justices, &amp;c.</p>                                                                                                                                                                                                                   |                                                 |                                                                                                                                                                                                                                                                                     |
| <p><i>Transfer.</i>—Where licensed dog transferred by sale or gift, a new licence for that year not necessary, but transferee shall obtain certificate (Form D, in Schedule), and within 15 days register the transfer in his district, in default—</p>                                                                                              | <p>s. 9.</p>                                    | <p>Like penalty, &amp;c., as above. To be treated as a person keeping unlicensed dogs.</p>                                                                                                                                                                                          |
| <p>Person having in his possession or custody, any dog or dogs, shall produce licence when required by a Justice, or any member of Constabulary force, and for refusal, he shall, if licensed, be liable to—</p>                                                                                                                                     | <p>s. 21.</p>                                   | <p>Penalty not exceeding 5s., in default, &amp;c., imprisonment not exceeding 1 week. 1 J.</p>                                                                                                                                                                                      |

Dogs pupped after 31 March, the licence to be taken out by 31 March next following. The object of the Act is not, as is commonly supposed, to realize a duty; it is, as it states, to prevent ravages by dogs, to regulate their keeping, and identify their owners.

| Offence, or cause of Complaint.                                                                                                                                                             | Statute.                  | Extent of Jurisdiction.                                                                                                                                                 |
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| <b>DOGS—DOGS' REGULATION ACT, 1866—continued.</b>                                                                                                                                           |                           |                                                                                                                                                                         |
| No penalty where the failure accidental, not wilful.                                                                                                                                        | 28 Vic., c. 50, s. 23.    |                                                                                                                                                                         |
| List of licences to be annually publicly posted by 15th April.                                                                                                                              |                           |                                                                                                                                                                         |
| Penalties recoverable by Petty Sessions Act,—in Dublin by the Local Act.                                                                                                                    |                           |                                                                                                                                                                         |
| Act provides mode of accounting for stamps, &c.                                                                                                                                             |                           |                                                                                                                                                                         |
| The licence duty on each dog is 2s.                                                                                                                                                         |                           |                                                                                                                                                                         |
| A 6d. fee denoted by Petty Sessions' Stamp to be paid on each Certificate of Registry.                                                                                                      |                           |                                                                                                                                                                         |
| Justice empowered to enforce such fee.                                                                                                                                                      |                           |                                                                                                                                                                         |
| Surplus moneys for stamps, after payment of expenses, to be paid over to treasurers of Boroughs and Counties.                                                                               |                           |                                                                                                                                                                         |
| <b>DRAINAGE:</b>                                                                                                                                                                            |                           |                                                                                                                                                                         |
| Acts in relation to Drainage works:                                                                                                                                                         |                           |                                                                                                                                                                         |
| Unauthorized persons opening loughs, sluices, or canals, made under authority of Act, or wilfully or maliciously letting off the water of any of the reservoirs, rivers, canals, or drains. | 5 & 6 Vic. c. 89, s. 132. | Penalty not exceeding £20, by distress, &c.; in default, imprisonment not exceeding 6 months. 1 J.                                                                      |
| Persons depositing gravel, &c., so as to obstruct navigation or free passage of the water in the rivers, &c., improved under Act.                                                           | s. 134.                   | Penalty not exceeding £10; in default, &c., imprisonment not exceeding 3 months. 1 J.                                                                                   |
| Assaulting Commissioners and others engaged on the works.                                                                                                                                   | 5 & 6 Vic. c. 89, s. 135. | Penalty not exceeding £5; in default, imprisonment not exceeding 3 months. 1 J.                                                                                         |
| Wilfully causing obstructions in streams or rivers, by depositing stones or materials therein.                                                                                              | s. 152.                   | Penalty not exceeding £5 (in case of private property, to be paid to party aggrieved); in default, &c., imprisonment not exceeding 2 months, with or without H. L. 2 J. |

| Offence, or cause of Complaint.                                                                                                                                                                             | Statute.                      | Extent of Jurisdiction.                                                                                                   |
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| <b>DRAINAGE—continued.</b><br>Justices empowered to investigate complaints where aqueducts, culverts, and tunnels are not kept thoroughly cleansed.<br>For drainage in towns, &c., see 10 & 11 Vic., c. 34. | 9 & 10 Vic.<br>c. 4, s. 42.   | —                                                                                                                         |
| <b>DRIVER:</b><br>Keeping wrong side of the road when riding or driving.                                                                                                                                    | 14 & 15 Vic.<br>c. 92, s. 13. | Fine not exceeding 10 <i>s.</i> ; in default, &c., imprisonment not exceeding 14 days. 1 J.                               |
| Passing with led horse, and not keeping led horse on the furthest side from person or carriage.                                                                                                             | "                             | Like.                                                                                                                     |
| <i>Furious Driving, &amp;c.</i> —Furious riding or driving on road or street, so as to endanger passengers, or by carelessness or wilful misbehaviour causing any injury to person or property.*            | "                             | Penalty not exceeding 20 <i>s.</i> ; in default, &c., imprisonment not exceeding 1 month. 1 J.                            |
| Owners permitting children under 13 years to drive.                                                                                                                                                         | "                             | Penalty not exceeding 10 <i>s.</i> (against owner); in default, &c., imprisonment not exceeding 14 days. 1 J.             |
| See also "Cars and Carriages."                                                                                                                                                                              |                               |                                                                                                                           |
| <b>DRUNKENNESS:†</b><br>Persons found drunk in public house at prohibited hours may be apprehended by constables and brought before Justice.                                                                | 6 & 7 W. iv.<br>c. 38, s. 6.  | Penalty not exceeding 20 <i>s.</i> , nor less than 5 <i>s.</i> ; in default, &c., imprisonment not exceeding 1 week. 1 J. |

\* By the "Offences against the Person Act," 24 & 25 Vic., c. 100, s. 35—"Whosoever having the charge of any carriage or vehicle, shall by wanton or furious driving or racing, or other wilful misconduct, or by wilful neglect, do or cause to be done any bodily harm to any person whatsoever, shall be guilty of a misdemeanor; and being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard labour." Triable by indictment.

If a coachman, or driver (being a servant) do any damage to a passenger on the road by negligent driving, his master will be liable for the injury done.

† By the 24 & 25 Vic., c. 49, s. 2, it is enacted that—"In every case in which any Justice of the Peace shall order any person to be committed to gaol for drunkenness, for a period not exceeding 48 hours, such committal may be to any local or neighbour ing bridewell, although the same may not be a district or certified bridewell."

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Statute.                                                                     | Extent of Jurisdiction.                                                                                                                                                                                             |
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| <p><b>DRUNKENNESS—continued.</b><br/> <i>Drunk in streets, &amp;c.</i>—Persons found drunk in any street, square, lane, roadway, or other public thoroughfare, may be apprehended and conveyed before Justice.<br/>           Drunk or disorderly in public house or refreshment house, and refusing to quit.*</p> <p>Keeper of refreshment house permitting drunkenness therein. See "Refreshment house."<br/>           (Drunk or disorderly in streets, &amp;c. See Towns' Improvement Act, s. 72; also Police Clauses Act, 10 &amp; 11 Vic., c. 89, s. 29.)†</p> | <p>6 &amp; 7 W. iv. c. 38, s. 12.</p> <p>28 &amp; 24 Vic. c. 107, s. 42.</p> | <p>Penalty not exceeding 5s.; in default, &amp;c., imprisonment not less than 12, nor more than 48 hours. 1 J.</p> <p>Penalty not exceeding 40s.; in default, &amp;c., imprisonment not exceeding 1 month. 1 J.</p> |
| <p><b>DWELLINGS OF THE POOR:</b><br/>           Tenements held under, and having the requisites set forth in this Act, consisting of house, with not more than half an acre, if any, of land, as garden or cultivated allotment; tenure by the year, half year, quarter, month, or week; rent not exceeding 12s. by the month, and held under a written agreement of the form in the Act.</p>                                                                                                                                                                        | <p>19 &amp; 20 Vic. c. 65.</p>                                               | <p>The summary power of ejection in the 15th section of the Summary Jurisdiction (Ireland Act, 1851, to be applicable (for which see "Landlord and Tenant.")</p>                                                    |

\* If a man conduct himself in a disorderly manner in a public house, and upon the landlord's requesting him to depart, he refuse to do so, the landlord is justified in laying hands upon him to put him out.—*Howel v. Jackson*, 6 Carr. & P. 723.

† Under Towns' Improvement Act—"Every person drunk in any street, or guilty of any riotous or indecent behaviour in any street, penalty not exceeding 40s., or, in discretion of Justice of the Peace, imprisonment not exceeding seven days." And under the Police Clauses Act, 10 & 11 Vic., c. 89, s. 29—"Every person drunk in any street, and guilty of any riotous or indecent behaviour therein," a like penalty of punishment. The Justice will, of course, ascertain which Act is in force in his district.

*Drunkenness* is a kind of *non compos mentis*, which gives no privilege to the person afflicted, for a drunkard is *voluntarius demum*, and whatever hurt or ill he doeth his drunkenness aggravates it. *Omne crimen ebrietas et incendit et detegit.* Co. Lit. But it is with reason also urged that "if we suppose the drunken person to be altogether deprived of moral agency, that is to say, of all reflection and foresight; in this condition it is evident that he is no more capable of guilt than a madman, although like him he may be extremely mischievous. The only guilt with which he is chargeable, was incurred at the time when he voluntarily brought himself into this situation. And as every man is responsible for the consequences which he foresaw, or might have foreseen, and for no other, this guilt will be in proportion to the probability of such consequences ensuing."

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Statute.                           | Extent of Jurisdiction.                                                                                                                                                                                                                                                                                                                                                                                                         |
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| <b>EGGS:</b><br>Destroying eggs of wild fowl.<br>See "Game."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 23 Geo. iii.<br>c. 35, s. 4.       | Penalty not exceeding<br>£5; in default, &c.,<br>imprisonment not ex-<br>ceeding 1 month. 1 J.<br>Prosecution under<br>"Game Laws."                                                                                                                                                                                                                                                                                             |
| <b>ELECTRIC TELEGRAPH:</b><br>Injuries to, see "Malicious Injuries."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>EJECTMENT:</b><br>Of small tenements in city, town,<br>borough, or village, in which fair<br>or market usually held; term not<br>exceeding 1 month; rent not ex-<br>ceeding at rate of £1 a month.<br>See "Landlord and Tenant."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 14 & 15 Vic.<br>c. 92, s. 15.      | Justice in Petty Sessions<br>may order possession<br>in not less than 7, nor<br>more than 10 clear<br>days. 1 J.                                                                                                                                                                                                                                                                                                                |
| <b>EMIGRATION:</b><br>See "Passenger Ships."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>ENLISTMENT</b> ( <i>Offences connected<br/>           with</i> ).<br>See titles "Mutiny Act," "Militia,"<br>"Naval Coast Volunteers," "Navy."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>EVIDENCE:</b><br>Law of, see "Appendix."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>EXCISE:</b><br>Act relating to the distilling, rectify-<br>ing, and dealing in spirits.<br><i>Removing spirits without permit.</i> —Any<br>officer of excise or customs, and<br>any officer of the peace having a<br>commission from the Commissioners<br>of Inland Revenue, may stop and<br>detain any person found carrying<br>or removing any spirits, and may<br>examine such spirits, and require<br>the production of a permit or certi-<br>ficate authorizing the removal of the<br>same; and if any spirits, exceeding<br>the quantity of one gallon of the<br>same denomination at a time for the<br>same person, shall be carried or re-<br>moved by any person without a true<br>and lawful permit; or if any person<br>found carrying or removing spirits<br>in such quantities as aforesaid, shall | 23 & 24 Vic.<br>c. 114.<br>s. 185. | Penalty £100, and not<br>less than £10; and if<br>not immediately paid<br>into the hands of such<br>Officer (or if he be an<br>officer of the peace),<br>then into the hands of<br>the Justice's clerk, for<br>the order and direction<br>of the Commissioners,<br>to be imprisoned, and<br>kept to H. L. for not<br>exceeding 6 months,<br>and not less than 1<br>month, unless the pe-<br>nalty shall be sooner<br>paid. 1 J. |

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Statute.                                                                                                             | Extent of Jurisdiction.                                                                                                                                                                                                                                                                                                                                                                                   |
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| <p><b>EXCISE—continued.</b></p> <p>not, on being stopped or detained by such officer as aforesaid, forthwith produce a true and lawful permit, authorizing the removal thereof—*</p> <p><i>Hawking and selling spirits in unlicensed places.</i>†—No person shall hawk, or sell, or expose to sale any spirits, by whatever name the same may be called, in or about the streets, highways, or other places, or in or from any boat or other vessel upon the water, or in any other manner or place whatsoever, except in a place duly licensed for that purpose, upon pain of forfeiting all such spirits, and the sum of £100; and any Justice of the Peace may, on his own view, or on the confession of the party, or by due proof on oath made of such offence, convict any person so offending.</p> <p>Any Justice of the Peace, on information upon oath made before him against any person, for hawking, or selling, or exposing to sale any spirits contrary to this Act.</p> | <p>23 &amp; 24 Vic. c. 114, s. 195. and (24 &amp; 25 Vic. c. 91, s. 20.)</p> <p>23 &amp; 24 Vic. c. 114, s. 196.</p> | <p>Penalty £100, and not less than £6; and on nonpayment thereof, to be imprisoned for 3 months at H. L., to be reckoned from the day of the commitment.‡</p> <p>1 J.</p> <p>To issue his warrant under his hand, to be directed to any constable or other ministerial officer of the peace, to apprehend the offender and bring him before such J.P., to be dealt with according to law.</p> <p>1 J.</p> |

\* The authority by the above section given to officers of Excise and Customs is somewhat similar to that given to constables, under the 17 & 18 Vic. c. 89, sec. 6, hereinafter referred to, and which it would, at first sight, appear to supersede. The last-named Act is in force in Ireland only. The 23 & 24 Vic. c. 114, is applicable to the United Kingdom, and in the schedule of Acts which it repeals, the 17 & 18 Vic. c. 89, does not appear; on the contrary, its continuance seems to be recognised, for by section 19 it provides the power of appealing against orders made under that Act.

† This is a similar enactment to that contained in the 138th section of 6 Geo. iv. c. 80 (English), and which section was by the 20 & 21 Vic. c. 40, sections 5 & 6 extended to Ireland, and the Constabulary were empowered to enforce its powers; and all proceedings thereunder were required to be conducted according to the provisions of the Petty Sessions (Ireland) Act, 1851. But in the schedule to the above Act (23 & 24 Vic. c. 114) it will be found that the whole of the 6 Geo. iv. c. 80, except sec. 145, is repealed.

‡ The power to mitigate this penalty to £6 is given by the 24 & 25 Vic. c. 91, sec. 20.

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Statute.                                | Extent of Jurisdiction.                                                                                                                                                                                                                                                                                                                                                          |
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| <p><b>EXCISE—continued.</b><br/>Any person may seize and detain any person who shall hawk, or sell, or expose to sale in manner aforesaid, any spirits, by whatsoever name they may be called, for such reasonable time as may enable him to give notice to a peace officer, who is hereby required to carry the person detained before a Justice of the Peace.</p>                                                                                                                                                                                                                                                                                | <p>23 &amp; 24 Vic. c. 114, s. 197.</p> | <p>The Justice shall proceed to the examination of the person so brought before him for such offence, in the same manner as if such person had been apprehended, and brought before him under such warrant as aforesaid. 1 J.</p>                                                                                                                                                |
| <p>Either of offending parties informing against the other, before any information has been lodged against informing party for such offence, shall, upon conviction of the party against whom information given, be discharged, and the evidence of the informer be admitted to prove the facts thereof or relating thereto.</p>                                                                                                                                                                                                                                                                                                                   | <p>s. 198.</p>                          | <p>—</p>                                                                                                                                                                                                                                                                                                                                                                         |
| <p><i>Opposing the law.</i>—Armed persons opposing the law, or violently rescuing offenders, or assaulting officers, informers, or witnesses.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <p>s. 200.</p>                          | <p>Felony, triable by indictment; and if convicted, shall be kept in penal servitude for 7 years.</p>                                                                                                                                                                                                                                                                            |
| <p><i>Constable's neglect.</i>—If any constable, or other ministerial officer of the peace, shall refuse or neglect, upon due notice or request, or on his own view, to be aiding in the execution of this Act, on being duly convicted—</p>                                                                                                                                                                                                                                                                                                                                                                                                       | <p>s. 201.</p>                          | <p>Shall forfeit the sum of £20. 1 J.</p>                                                                                                                                                                                                                                                                                                                                        |
| <p><b>SHERREN HOUSES—Warrant to search.</b><br/>—It shall and may be lawful for any Justice of the Peace, upon being satisfied by the personal examination on oath of a credible witness, that there is reasonable ground for suspecting that spirits are sold, kept for sale, or exposed for sale in any house or place within the county not licensed for the sale thereof, or by some person not having a licence to sell spirits in or at such house or place, or that illicit spirits are kept for sale in or at any house or place, to grant warrant, authorizing any of the Constabulary (in Dublin, Superintendent or Inspector of Po-</p> | <p>17 &amp; 18 Vic. c. 89, s. 2.</p>    | <p>For first offence:—fine not exceeding £5, nor less than £2; or to be imprisoned, with or without H.L., for any term not exceeding 3 months, nor less than 1 month.<br/>Second and every subsequent offence:—fine not exceeding £10, nor less than £5; or to be imprisoned, with or without H.L., for any term not exceeding 6 months, nor less than 3 months, and forfei-</p> |

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Statute.                                           | Extent of Jurisdiction.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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| <p><b>EXCISE—continued.</b></p> <p><b>SHEBREN HOUSES—continued.</b><br/> lice), with his assistants, to enter such house or place at all times (within one month), to search for spirits, and if any spirits shall be found therein exceeding one gallon without a permit, or any spirits in any quantity whereon duty shall not have been duly paid, to seize such spirits, together with the vessel in which the same contained; and the person on whose premises same shall be found, shall, on conviction, be liable to.</p> <p><i>Selling without Licence.</i>—Every person not being duly licensed to sell wine, spirits, beer, ale, cider, or perry, who shall sell, or keep for sale, or expose for sale, any such.</p> <p>And for the purpose of any such conviction, it shall be sufficient to prove that wine, spirits, beer, ale, cider, or perry was kept for sale, or exposed for sale, by such person, or on his premises, or had been illegally consumed on such premises at any time within two months preceding such alleged offence; and if any person be found drunk in such house, or having the appearance of having been recently drinking, it shall be deemed evidence of his having been drinking in such house, and of the unlawful consumption of wine, spirits, beer, &amp;c., &amp;c.</p> <p><i>Warrant to enter unlicensed houses.</i>—If any member of the Constabulary force, or other credible witness, shall make oath before a Justice of the Peace, that such person has good reason to believe that wine, spirits,</p> | <p>17 &amp; 18 Vic. c. 89, s. 3.†</p> <p>s. 4.</p> | <p>ture of the spirits and vessel containing same.<br/>*2 J.</p> <p>First offence.—Fine not exceeding £2, nor less than 5s.; or to be imprisoned, with or without H. L., for not exceeding 1 month, nor less than 1 week.<br/>2 J.</p> <p>Second and every subsequent offence:—fine not exceeding £5, nor less than 20s.; or to be imprisoned with or without H.L., not exceeding 3 months, nor less than 1 month.<br/>2 J.</p> <p><i>Penalty on persons found therein.</i>—First offence:—fine not exceeding 5s., nor less than 2s. 6d.; or to be imprisoned, with or with-</p> |

\* Proceedings are directed to be taken under the Petty Sessions (Ireland) Act, 1851. It is not clearly stated whether convictions under sections 2 & 3 must be before one or two Justices.

† Now by 27 & 28 Vic. c. 85, s. 7. unlicensed persons selling beer for consumption on premises like penalty,—where the Excise prosecute under 6 Geo. iv. c. 81, ss. 26 & 27, penalty £50, and occupiers are liable.



| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Statute.                                            | Extent of Jurisdiction.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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| <p><b>EXCISE—continued.</b><br/>           beer, ale, cider, or perry are retailed or sold without licence, or kept for sale without licence, in any room, house, or other place, it shall be lawful for such Justice to grant a warrant authorizing any of the Constabulary (in Dublin, any Superintendent, Inspector, or Serjeant of Police), with his assistants, to enter such places at all times (within 1 month from date of warrant); and if any person shall be found to be drinking or tipping, or having the appearance of having been recently drinking or tipping therein, he may be summoned before Petty Sessions (or Divisional Justices, Dublin); or may be lawfully apprehended, and brought, as soon as conveniently may be, before a Justice, to be dealt with according to law; and on conviction.</p> |                                                     | <p>out H. L., not exceeding 24 hours, nor less than 12 hours. 1 J.<br/>           Second and every subsequent offence:—fine not exceeding 10s., nor less than 5s.; or to be imprisoned, with or without H.L., not exceeding 1 week, nor less than 8 days. 1 J.</p> <p>And where persons found drinking, &amp;c., or having appearance of having been recently drinking, &amp;c., all wine, spirits, beer, ale, cider, or perry, found therein, and all vessels, jugs, or glasses used in the sale thereof, may be seized, and on conviction of persons found therein as aforesaid, shall be forfeited.</p> |
| <p><i>Delaying or refusing admittance.</i>—If any person occupying any house or place, or any person aiding or assisting such occupier on demand made of entrance by any Justice of the Peace, Superintendent, Inspector, or Serjeant of Police, Sub-Inspector, Head or other Constable respectively, and on his stating that he seeks to enter by virtue of his office as a Justice of the Peace, or by the authority of a warrant from a Justice of the Peace (which warrant he shall produce when required so to do), shall delay or refuse to admit such Justice of the Peace, &amp;c., &amp;c., into such house or place for the purpose of executing such warrant as aforesaid—</p>                                                                                                                                   | <p>17 &amp; 18 Vic.<br/>           c. 89, s. 5.</p> | <p>Penalty not exceeding £2, nor less than 10s.; or to be imprisoned not exceeding one fortnight, nor less than one week, unless proof shall be made to the satisfaction of the Justice or Justices who may hear the complaint, that there was reasonable cause for giving such delay or refusal. 1 J.</p> <p>“ Provided always that, for the purpose of such conviction as last aforesaid, proof to the satisfaction of the Justice who may hear the</p>                                                                                                                                                  |



| Offence, or cause of Complaint.                                                                                                                                                                                                                                                       | Statute.                      | Extent of Jurisdiction.                                                                                                                       |
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| <b>EXCISE—continued.</b><br><b>Illicit Distillation Act.*</b>                                                                                                                                                                                                                         | 1 & 2 Wm. iv.<br>c. 55.       |                                                                                                                                               |
| <b>Illicit Malting.</b> —Every person who shall keep or use any kiln for the drying of any corn or grain, or any mill for the grinding of any corn, grain, or malt, without having made the entries with the Excise, and complied with the other particulars in the section required. | 1 & 2 Wm. iv.<br>c. 55, s. 1. | Forfeiture of corn, &c., and penalty £30, and not less than £6; in default, &c., not less than 3, nor more than 12 months' imprisonment. 2 J. |
| Where the owner of kiln cannot be found, the occupier of the soil may be required to make the entry or to destroy it, and in default, shall be liable to the penalty.                                                                                                                 | s. 2.                         | —                                                                                                                                             |
| Malt, or corn or grain making into malt, if found on any kiln erected and kept for drying corn or grain, or on any other than an entered kiln in a malt-house duly entered for making malt—                                                                                           | s. 3.                         | Forfeiture of article, and penalty £30, and not less than £6; in default, &c., not less than 3, nor more than 12 months' imprisonment. 2 J.   |

within 14 days after the (making<sup>1</sup>) thereof, be claimed, by application in writing to the Inspector or Superintendent of Police, or to the County Inspector or Sub-Inspector by whom or within whose district such goods shall have been seized, then, although no conviction shall have taken place, such goods shall be absolutely forfeited: Provided always that if any such claim shall be made in the manner and within the time herein directed and limited in that behalf, and no such conviction as aforesaid shall have been or shall be made, then such goods so seized shall be proceeded upon to condemnation by information before any Justice or Justices of the Peace, in like manner as in the case of goods seized under the provisions of any Act relating to duties of Excise. See, as to disposal of seizures, &c., 20 & 21 Vic., c. 40, ss. 2 and 3).

\* *Procedure, and Recovery of Penalties.*—By the 20 & 21 Vic., c. 40, officers of the Constabulary Force in Ireland are empowered to put in force the powers and authorities of the Illicit Distillation Act (1 & 2 Wm. iv., c. 55). Section 6 directs that all penalties and costs shall be sued for and recovered as by the Petty Sessions (Ireland) Act, 1851, is directed. 24 & 25 Vic. c. 91, s. 18, provides that the authority to proceed under the Petty Sessions Act shall not supersede or repeal the 31st section of the Illicit Distillation Act, and that it shall be lawful for *two or more Justices in Petty Sessions* to hear any offence against the Illicit Distillation Act. But where Excise Officers prosecute, the jurisdiction given by 31 sec. of Illicit Distillation Act still exists and can be exercised by one Justice.

Some sections in the Illicit Distillation Act give one Justice the power of summarily disposing of the case out of Petty Sessions; under sections 34 and 36, one Justice is to hear the case, unless the accused find bail, himself in £20, and two sureties in £10, to appear at the Petty Sessions. Under the Petty Sessions Act, two Justices are required to hear the case out of Petty Sessions, where defendant cannot find bail for his appearance.—14 & 15 Vic., c. 93, s. 8.

<sup>1</sup> So in Act.

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                              | Statute.                  | Extent of Jurisdiction.                                                                                                                   |
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| <p><b>EXCISE—continued.</b><br/>Every person who shall place any malt, or any corn or grain making into malt, on any kiln kept for drying corn or grain, or any kiln not duly entered for making malt—</p>                                                                                                                   | 1 & 2 W. iv. c. 55, s. 4. | Penalty £80, and not less than £6; in default, &c., imprisonment not less than 3, nor more than 12 months. 2 J.                           |
| <p>Every person keeping a mill who shall receive, or permit, or suffer to be received into such mill, any malt illegally made, or whereon duty has not been paid or secured; or if found therein, unless such person shall make known the person by whom same was delivered therein—</p>                                     | s. 5.                     | Like. 2 J.                                                                                                                                |
| <p>Officer empowered to enter and search mills in day-time for malt illegally made, and by calling to his aid a peace officer, forcibly to enter.</p>                                                                                                                                                                        | s. 6.                     | —                                                                                                                                         |
| <p>Every person who shall receive, keep, or conceal, or knowingly have in his possession or premises any malt illegally made, or on which duty has not been paid, whether same shall or shall not be his property.</p>                                                                                                       | s. 7.                     | Forfeit article, and penalty £100, and not less than £6; and in default, &c., imprisonment not less than 3, nor more than 12 months. 2 J. |
| <p>Every person, other than a licensed malster, who shall wet or steep any corn or grain to be made into malt, or having same in possession, or knowingly in any building or place—</p>                                                                                                                                      | s. 8.                     | Like. 2 J.                                                                                                                                |
| <p><i>Stills.</i>—Chemists, or other persons, not to use stills without licence; such licence to contain certain particulars, and the capacity of such stills to be limited as therein, unless specially authorized by the Commissioners of Excise.</p>                                                                      | ss. 9 & 10.               | Penalty £50, and not less than £6; and in default, &c., imprisonment not less than 3, nor more than 12 months. 2 J.                       |
| <p>Still-makers to permit officer of Excise to enter his premises in the day-time; and such maker shall stamp his name and the content on each still as therein; and within three days after finishing any still less than 200 gallons, give notice to officer that same is ready to be gauged and stamped; for neglect—</p> | s. 11.                    | Penalty £60, and not less than £6; and in default, &c., imprisonment not less than 3, nor more than 12 months. 2 J.                       |

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Statute.                    | Extent of Jurisdiction.                                                                                                                                                                           |
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| <b>EXCISE—continued.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                             |                                                                                                                                                                                                   |
| Every person importing any still into <i>Ireland</i> of less content than 200 gallons to give notice to officer of the district; in default—                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 1 & 2 Wm. iv. c. 55, s. 12. | Like. 2 J.                                                                                                                                                                                        |
| Still found not gauged may be seized and forfeited, and the owner or person in whose possession same shall be found shall be liable to—                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | s. 13.                      | Like. 2 J.                                                                                                                                                                                        |
| Brazier, or other person, who shall send or convey any still, still-head, or worm to any person, or from one part of <i>Ireland</i> to another, without permit, shall be liable to—                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | s. 14.                      | Forfeit article, and penalty of £100, and not less than £6; and in default, &c., imprisonment not less than 3, nor more than 12 months. 2 J.                                                      |
| <i>Illicit Stills.</i> —Every person, other than a licensed distiller, brewer, or vinegar maker, who shall brew, make, or have in his possession any worts, wash, or pot ale* (except for purposes of being made into beer for private use, proof whereof shall lie on such person), and who shall distil or have in his possession any low wines or singlings; and every person not being duly licensed to keep or use a still, who shall have or keep any still, still-head, or worm of a still; and every person who shall, without being lawfully authorized thereto, have in his possession, or in any dwelling-house, out-building, place, or premises occupied by him, any such (except as aforesaid), whether same shall or shall not be the property of such person— | s. 16.                      | Forfeit articles, and a penalty of £100, and not less than £6; and in default, &c., imprisonment not less than 3, nor more than 12 months. 2 J.                                                   |
| <i>Warrant to search for Illicit Stills.</i> —Any officer of Excise knowing or having cause to suspect that any private or concealed still, back, vat, cooler, or other vessel used in illicit distillation, spirits, low wines, wort, or wash, or other materials preparing or prepared for distillation, are set up or kept in any house or place;                                                                                                                                                                                                                                                                                                                                                                                                                          | s. 17.                      | The Justice, if he shall judge it reasonable, shall, by special warrant under his hand and seal, authorize such officer, by day or night, to break open the doors or any part of such house where |

\* Wash means the liquor in a fermented state before distillation; pot ale, the refuse after distillation.

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                       | Statute.                               | Extent of Jurisdiction.                                                                                                                                                                                                                                                                                                                                      |
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| <p><b>EXCISE—continued.</b><br/> or that any illegally made malt, or any corn or grain making into malt, is kept or deposited in any house or place, on making oath before one or more Justices of the Peace of the county, city, or place where same are suspected to be kept, setting forth the ground of suspicion—</p>                                                            |                                        | <p>such are suspected to be concealed, and to enter and seize the same, and to detain same therein, or to remove to the nearest Excise Office; and the proprietor or occupier of the house or place in which seizure made shall forfeit £100, and not less than £6; and in default, &amp;c., imprisonment not less than 3, nor more than 12 months. 2 J.</p> |
| <p>Any person obstructing or hindering officer or his assistants in searching, seizing, or removing such stills, &amp;c.</p>                                                                                                                                                                                                                                                          | <p>1 &amp; 2 Wm. iv. c. 55, s. 17.</p> | <p>Penalty £100, and not less than £6; and in default, &amp;c., imprisonment not less than 3, nor more than 12 months. 2 J.</p>                                                                                                                                                                                                                              |
| <p>Officers of Excise may search for and seize such stills, &amp;c., without warrant; and the proprietor and others offending shall be liable to same penalties as if officers had such special warrant; and if officer, having entered without warrant, shall break open any door or lock in searching, the finding any such articles as aforesaid shall be full justification.*</p> | <p>s. 18.</p>                          | <p>— 2 J.</p>                                                                                                                                                                                                                                                                                                                                                |
| <p>Every person discovered in any room or place, where any illegal distillation or malting is in process, or carrying on, may be arrested and conveyed before one or more Justices near to the place, and on confession or proof of offence, by one or more witnesses, such Justice or Justices shall convict such person of the offence, and shall be liable to—</p>                 | <p>s. 19 &amp; 34.</p>                 | <p>Penalty £100, and not less than £6; and in default, &amp;c., imprisonment not less than 3, nor more than 12 months. 2 J.</p>                                                                                                                                                                                                                              |

\* The condition attached to the power given by this section should insure the greatest caution and circumspection. In anything short of certainty, or the most reliable information, the safe course will be to procure the Magistrates' warrant, as in section 17.

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                              | Statute.                    | Extent of Jurisdiction.                                                                                              |
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| <b>EXCISE—continued.</b><br>Officers empowered to spill and destroy all spirits, materials, and utensils, found in private or unlawful malt-houses and distilleries.                                                                                                                                                                         | 1 & 2 Wm. iv. c. 55, s. 20. | —                                                                                                                    |
| Any Justices of the Peace, Landlord, or his Bailiff, may seize and hand over to Excise officer, illicit still; and to seize, spill, and destroy low wines, &c., and corn or grain making into malt.                                                                                                                                          | s. 21.                      | —                                                                                                                    |
| <i>Concealing Illicit Spirits.</i> —Every person who shall harbour, keep, or conceal, or knowingly permit to be harboured, kept, or concealed; or shall give aid, or assistance, or reward to any person to harbour, keep, or conceal, any spirits, unlawfully made or distilled, or the full duties whereon shall not have been fully paid. | s. 22.                      | Penalty £100, and not less than £8; and in default, &c., imprisonment not less than 3, nor more than 12 months. 2 J. |

*Constables' Powers.*—By the 20 & 21 Vic., c. 40, s. 5, Constabulary shall have and exercise the powers, authorities, and privileges granted to officers of Excise, in relation to any offence against the Illicit Distillation Act, 1 & 2 Wm. iv., c. 55; and of the officers of Customs, under the "Customs' Consolidation Act, 1853," or any Act to be passed in relation to the Customs, so far as relates to any seizure, detention, or prosecution, to be made or had under any such Act or Acts, and shall be deemed and considered to be officers of Customs for such purposes so long as they belong to the Constabulary Force. (Constabulary officer shall mean Head or other Constable, s. 8.)

*Recovery of Penalties.*—Penalties to be sued for, levied, and recovered, as by Petty Sessions (Ireland) Act, 1851, is directed and provided.

*Disposal of Seizures and Penalties,* 20 & 21 Vic. c. 40, s. 2.—All seizures to be made under 17 & 18 Vic., c. 89, by the Constabulary shall (except in the cases in this clause, hereinafter provided for, and except also in cases of seizures made under the Customs' Consolidation Act, 1853, hereinafter referred to), be destroyed or otherwise disposed of, as the Inspector-General of Constabulary shall direct in that behalf; provided always that all seizures which may be made under the powers or directions of the 6th sec. of 17 & 18 Vic., of spirits *in transitu*, or process of removal from place to place, where the same shall be sent or removed from or by any licensed distiller or rectifier of, or dealer in or retailer of spirits, shall be disposed of in such manner as the Commissioners of Inland Revenue may direct or authorize in that behalf. Section 3 directs that penalties recovered by officers of constabulary, by virtue of the powers conferred, or to be conferred on them, under the authority of the said last-mentioned Act and of this Act, and also the proceeds of the sale of any seizure to be made by them under the said powers, where such seizure may, at the discretion of the Inspector-General of Constabulary, be sold, shall, after deducting and paying thereout all reasonable expenses, be handed over to the Commissioners of Inland Revenue, or to

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                 | Statute.                               | Extent of Jurisdiction.                                                                                                        |
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| <p><b>EXCISE—continued.</b></p> <p>Persons having in possession any spirits in any quantity, the full duty whereon shall not have been fully paid; or any spirits in any quantity exceeding one gallon, without a proper permit, unless due proof shall be made that the duty has been duly paid, or that same was bought from a licensed distiller, or licensed dealer, or that same were attended with a proper permit to such defendant.</p> | <p>1 &amp; 2 Wm. iv. c. 55, s. 23.</p> | <p>Penalty £100, and not less than £6; and in default, &amp;c., imprisonment not less than 3 nor more than 12 months. 2 J.</p> |

such person as they shall appoint, for the use of Her Majesty, anything contained in any former Act to the contrary notwithstanding.

Where the Excise prosecute, all penalties under these Acts go to the Revenue of Excise under 16 & 17 Vic. c. 107, s. 282, and so of Customs.

*Appeal (24 & 25 Vic., c. 91, s. 19).*—Persons aggrieved by the judgment of Justices on any information or complaint exhibited by any officer of Inland Revenue, of any proceedings at the instance of any officer, Head, or other Constable, under the 1 & 2 Wm. iv., c. 55; 17 & 18 Vic., c. 89; 20 & 21 Vic. c. 40; either party, whether complainant or defendant, shall be at liberty to appeal therefrom to the next Quarter Sessions for the county, shire, division, city, town, or place, next after the expiration of 20 days from the giving of such judgment, upon giving such notices, and upon such terms, conditions, and regulations as are prescribed in cases of appeals by 7 & 8 Geo. iv., c. 53; 4 & 5 Wm. iv., c. 51; and 4 Vic., c. 20.

The conditions and requirements of these statutes are:—7 & 8 Geo. iv., c. 53, s. 83—no appeal shall be allowed unless appellant immediately, upon the giving of the judgment appealed against, give notice in writing of such appeal to the presiding Justices and the opposite parties, and also lodging such notice, with the Clerk of the Peace for the Justices at the Quarter Sessions; and within three days after the judgment appealed against lodging with the Collector or Supervisor of the District the amount of the penalty.

By 4 & 5 Wm. iv., c. 51, s. 23.—If there shall not be 20 days between giving the notice of appeal and the next Quarter Sessions, the appeal shall be to the following Quarter Sessions.

By the 4 Vic., c. 20, s. 80.—Seven clear days' notice previous to the day on which the appeal is to be heard, must be given to the opposite party.

Defects of form, either in the information or any part of the proceedings relating thereto, shall be amended and cured on appeal.—7 & 8 Geo. iv., c. 53, s. 82.

By 24 & 25 Vic., c. 91, s. 22.—The powers given to officers of Excise by 1 & 2 Wm. iv., c. 55, as to search for private stills, making of malt, &c., in Ireland, are extended to officers of Customs.

It will be observed that the powers and duties of the Constabulary are defined, and that they have not, as Excise officers have, the power of inspecting houses and premises duly "entered" with the Excise.



| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Statute.                    | Extent of Jurisdiction.                                                                                                                                                                                                                                                                                        |
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| <b>EXCISE—continued.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                             |                                                                                                                                                                                                                                                                                                                |
| Every person who shall sell or deliver any spirits which shall have been illicitly distilled, or the full duty whereon shall not have been fully paid, unless proved to have been received from a licensed distiller or licensed dealer.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 1 & 2 Wm. iv. c. 55, s. 24. | Lika. 2 J.                                                                                                                                                                                                                                                                                                     |
| Officer empowered to stop and detain any person found removing or carrying any still, still-head, or worm, or any spirits of any kind whatever, and to examine same, and to demand production of permit accompanying such still, &c., or such spirits, if amounting to a quantity for which permit is required; and every person so found removing any still, &c., or any spirits for which permit is required, who shall refuse to produce such permit or permits as aforesaid, or shall be found removing or carrying any still, &c., or such spirits without a lawful permit; or removing in any quantity, spirits illegally distilled, or the duties whereon shall not have been paid; or any cask or vessel which shall have contained illicit spirits, shall for every such offence severally be liable to— | s. 25.                      | Penalty of £100, and not less than £6, and forfeit articles; and officer shall arrest and convey offender and articles seized before one or more Justices of the Peace, near to the place, to be dealt with; and in default, &c., to commit offender for not less than 3 months, nor more than 12 months. 2 J. |
| Bags, casks, utensils, &c., in which illegal malt or spirits are contained; and all carriages, carts, horses, &c.; and all boats employed in removal of stills, &c., or malt or goods liable to be forfeited under Act, shall be forfeited.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | s. 26.                      | —                                                                                                                                                                                                                                                                                                              |
| Every owner, or part owner of any malt illegally made, or of any corn or grain illegally making into malt, or of any still, still-head, or worm, worts, wash, pot-ale, low wines, or spirits, or back, vat, utensil, or vessel used for illicit malting or distilling, found in possession of any other person, or in any place, or who shall have or derive any interest from such illicit articles.                                                                                                                                                                                                                                                                                                                                                                                                             | s. 27.                      | Penalty £100, and not less than £6; and in default, &c., imprisonment not less than 3, nor more than 12 months. 2 J.                                                                                                                                                                                           |

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                           | Statute.                    | Extent of Jurisdiction.                                                                                                |
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| <b>EXCISE—continued.</b>                                                                                                                                                                                                                                                                                  |                             |                                                                                                                        |
| Any person who shall permit, or knowingly suffer, any private making of malt, or distillation of spirits to be carried on in any house, out-house, yard, garden, land or premises, belonging to, or in the occupation of such person.                                                                     | 1 & 2 Wm. iv. c. 55, s. 28. | Penalty £60, and not less than £6; in default &c., imprisonment not less than 3 months, nor more than 12 months. 2 J.  |
| Persons forcibly opposing officers in execution of this Act; or found armed to the number of two or more; or masked or disguised; or assembled for the purpose of aiding and assisting illicit stills, malt, or spirits, &c.                                                                              | s. 29.                      | Felony, triable by indictment.                                                                                         |
| Persons making, or aiding in making signals to persons engaged in illicit malting, or distilling, or conveying or having in possession, malt, stills, &c.; or give any warning to any such person so engaged, of the approach of officer or his assistants.                                               | s. 30.                      | Penalty £10, and not less than £6; in default, &c., imprisonment not less than 3 months, nor more than 12 months. 2 J. |
| Persons arrested and brought before Justice may be dealt with immediately, on his own confession, or on proof of the offence, on the oath of one or more credible witnesses; unless he find bail—self £20, and two sureties £10—to appear at next Petty Sessions.                                         | ss. 34, 36.                 | Under Petty Sessions Act, 2 J. are requisite to decide out of Petty Sessions.                                          |
| Persons liable to arrest, not detained at the time, may be afterwards arrested.                                                                                                                                                                                                                           | s. 37.                      | —                                                                                                                      |
| Persons coming forward as witnesses to claim such malt, stills, or materials, to be convicted on their own confession; but this not to exempt the person in whose possession or premises the illicit goods shall have been found, unless it appear that same could be placed there without his knowledge. | s. 38.                      | —                                                                                                                      |
| <i>Mitigation of Penalties.</i> —Penalties not to be mitigated to less than £6; imprisonment, in default, not to be less than 3, nor more than 12 months.                                                                                                                                                 | ss. 39 & 40.                | —                                                                                                                      |

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Statute.                    | Extent of Jurisdiction. |
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| <b>EXCISE—continued.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                             |                         |
| <i>Second Conviction.</i> —Where person convicted shall be guilty of a subsequent offence, mitigation not to be less than double former penalty or punishment, but in no case is the penalty or punishment to exceed that imposed by the statute for the offence.                                                                                                                                                                                                                                   | 1 & 2 Wm. iv. c. 55, s. 40. | —                       |
| Penalties and imprisonment to be proportioned, and defendants may pay part of the penalty to be released from a portion of the imprisonment, but not to be less than £2 for each calendar month; or if imprisoned 6 months in default of payment of £18, the proportion shall be taken as £3 for each month, and so in proportion, reckoning each month's imprisonment equal to a payment of a monthly proportion of the penalty; and gaoler shall, on receipt of such payment, discharge prisoner. | s. 42.                      | —                       |
| Seizures, if not claimed within 14 days, to be forfeited; and if claimed, proceedings to be taken as for other Excise penalties.                                                                                                                                                                                                                                                                                                                                                                    | s. 46.                      | —                       |
| Proof of payment of duties, or of a permit, to be made by the defendants.                                                                                                                                                                                                                                                                                                                                                                                                                           |                             |                         |
| Penalties under this Act may be sued for in the Court of Exchequer, or before one or more Justices of the Peace where offence committed.                                                                                                                                                                                                                                                                                                                                                            | s. 31.                      | —                       |
| This power is still preserved by the 24 & 25 Vic., c. 91, s. 18. See note hereon (p. 59). See also Publicans, and Beer Houses, title "Publicans."                                                                                                                                                                                                                                                                                                                                                   |                             |                         |
| <b>EXPENSES (Witnesses).</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                             |                         |
| Justice may order expenses to witnesses in civil cases, not exceeding 2s. 6d.                                                                                                                                                                                                                                                                                                                                                                                                                       | 14 & 15 Vic. c. 93, s. 13.  | 1 J.                    |
| In summary cases, under the Criminal Justice Act, Justices may order expense of prosecution, and for loss of time, &c., by order on Treasurer of County.                                                                                                                                                                                                                                                                                                                                            | 18 & 19 Vic. c. 126, s. 14. | 2 J.                    |

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Statute.                                                                                                                                                                                                                                                                                            | Extent of Jurisdiction.                                                                                                                                                    |
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| <p><b>FACTORIES AND PRINT WORKS:</b><br/>Acts for regulating the labour of children and young persons, and females, in mills and factories; the hours of employment, schooling, and the duties of employers and parents, &amp;c.; and the penalties for non-observance.</p> <p>Further amended by,<br/>And which also imposes penalties for neglecting to fence machinery.</p> <p><i>Print-Works.</i>—Act for like purpose, with very similar provisions.</p> <p><i>Dye-Works, &amp;c.</i>—Factories Acts extended to dye-works, calendering works, &amp;c. . . . .</p> <p><i>Lace.</i>—Acts extended to lace factories by—<br/>It is considered merely necessary to refer to these Statutes in this work.</p> | <p>3 &amp; 4 W. iv. c. 103.<br/>7 &amp; 8 Vic. c. 15.<br/>10 &amp; 11 Vic. c. 29.<br/>18 &amp; 14 Vic. c. 54.<br/>16 &amp; 17 Vic. c. 104.</p> <p>19 &amp; 20 Vic. c. 38.</p> <p>8 &amp; 9 Vic. c. 29.<br/>23 &amp; 24 Vic. c. 78, and<br/>26 &amp; 27 Vic. c. 38.<br/>24 &amp; 25 Vic. c. 117.</p> | <p>These to be considered as one Act.</p> <p>Penalties are recoverable before 2 Justices.</p> <p>—</p> <p>—</p> <p>—</p>                                                   |
| <p><b>FAIRS AND MARKETS:</b><br/>Disputes between buyer and seller, relating to the terms of sale, delivery, price, or payment for any article, matter, or thing which shall be exhibited for sale in any fair or market (and which shall not be of a greater value than £5.)*</p> <p>This may be heard out of Petty Sessions.</p>                                                                                                                                                                                                                                                                                                                                                                             | <p>14 &amp; 15 Vic. c. 92, s. 17.</p>                                                                                                                                                                                                                                                               | <p>Justice to make an award in writing thereon, according to the merits of the case. Award to have the like force and effect as any order made at Petty Sessions. 1 J.</p> |
| <p><b>FALSE WEIGHTS:</b><br/>See "Weights and Measures."</p> <p><b>FAT (<i>stolen</i>).</b><br/>See "Larceny."</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                            |

\* The goods or article in dispute must be exhibited for sale in a *fair* or *market*. The value must not exceed £5. It will not be sufficient to give jurisdiction that the amount *in dispute* be under £5. The Justice may hear the case out of Petty Sessions. He can make his order if he be present in the market or fair. It must be in writing. If he award a sum to be paid, he may issue a warrant of distress forthwith.

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                             | Statute.                                                | Extent of Jurisdiction.                                                                                                                   |
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| <b>FEMALES (<i>Assaults on</i>).</b><br>See "Assault."                                                                                                                                                                                                                                                                                      |                                                         |                                                                                                                                           |
| <b>FENCE:</b><br>Altering on road without consent of surveyor.<br><br>On complaints for trespass, Justices may order repairs of fences; on refusal, they may authorize repairs by the person aggrieved, to whom they may order payment at not exceeding 2s. a perch.<br>Stealing Fence—see "Larceny."<br>Injuring—see "Malicious Injuries." | 14 & 15 Vic.<br>c. 92, s. 9.<br><br>s. 20.              | Penalty not exceeding 20s.; in default, &c., imprisonment not exceeding 1 month. 1 J.<br>Amount awarded to be recovered by distress. 1 J. |
| <b>FIGHTING :</b><br>Persons who break the peace in presence of a peace officer, or are about to do so—<br>Two or more persons fighting in a public place, to the terror of the Queen's subjects.*<br>See "Sureties of the Peace."                                                                                                          | 34 Edw. iii.<br>c. 1, and<br>commission.<br>Common Law. | May be ordered to find surities to keep the peace. 1 J.<br>Indictable misdemeanor.<br>Fine and imprisonment.                              |
| <b>FIREARMS AND FIREWORKS:</b><br>Discharging on roads, or within 60 feet of centre, or on streets.                                                                                                                                                                                                                                         | 14 & 15 Vic.<br>c. 92, s. 10.                           | Penalty not exceeding 10s.; in default, &c., imprisonment not exceeding 14 days. 1 J.                                                     |

\* This is called an Affray, from the French "Affrayer" (Effraier) to frighten or terrify. If it be in private it is no affray but an assault. Any person present may suppress an affray. The principals and seconds in a Prize-fight were indicted in one count for a riot, and in another for an affray. The evidence was that the two first prisoners had fought together amidst a great crowd of persons and that the others were present aiding and abetting; that the place where they fought was at a considerable distance from any highway, and when the officers made their appearance the fight was at an end. The prisoners on being required to do so quietly yielded. Baron Alderson said, "It seems to me that there is no case against these men. As to the affray it must occur in some public place, and this is to all intents and purposes a private one. As to the riot, there must be some sort of resistance made to lawful authority to constitute it, some attempt to oppose the constables who are there to preserve the peace. The case is nothing more than this: Two persons choose to fight, and others look on, and the moment the officers present themselves, all parties quietly depart. The defendants may be indicted for an assault but nothing more.—E. V. Hunt, 1 Cox. C. C. 177 (Roscoe).

| Offence, or cause of Complaint.                                                                                                                                                           | Statute.                                                        | Extent of Jurisdiction.                                                                             |
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| <b>FIREARMS AND FIREWORKS.—</b>                                                                                                                                                           |                                                                 |                                                                                                     |
| <i>continued.</i>                                                                                                                                                                         |                                                                 |                                                                                                     |
| Throwing fireworks on any thoroughfare or public place.                                                                                                                                   | 24 & 25 Vic.<br>c. 139, s. 9.                                   | Penalty not exceeding £5, recoverable as in Petty Sessions Act.                                     |
| Selling fireworks without licence, or to persons apparently under 16 years of age.<br>See "Gunpowder."                                                                                    | s. 8.                                                           | Like. 2 J. 2 J.                                                                                     |
| <b>FIRST CONVICTION:*</b>                                                                                                                                                                 |                                                                 |                                                                                                     |
| Justices may discharge offender from conviction for first offence, on making satisfaction to party aggrieved for damages and costs.<br>See also in "Larceny," under Criminal Justice Act. | 14 & 15 Vic.<br>c. 92, s. 21.                                   | Applies only to offences against this Act. 1 J.                                                     |
| Malicious Injuries Act, . . . .                                                                                                                                                           | 18 & 19 Vic.<br>c. 126.                                         | —                                                                                                   |
| Larceny Act, . . . . .                                                                                                                                                                    | 24 & 25 Vic.<br>c. 97, s. 66.<br>24 & 25 Vic.<br>c. 96, s. 108. | —                                                                                                   |
| <b>FISH:</b>                                                                                                                                                                              |                                                                 |                                                                                                     |
| Offering unwholesome fish for sale.<br>(See also Nuisance and sanitary Acts).                                                                                                             | 14 & 15 Vic.<br>c. 92, s. 7.                                    | Forfeit article; and also a penalty not exceeding 40s., or imprisonment not exceeding 1 month. 1 J. |
| <b>FISHERIES:</b>                                                                                                                                                                         |                                                                 |                                                                                                     |
| Statutes 5 & 6 Vic., c. 106; 7 & 8 Vic., c. 108; 8 & 9 Vic., c. 108; 9 & 10 Vic., c. 114; 11 & 12 Vic., c. 92; 13 & 14 Vic., c. 88; 26 & 27 Vic., c. 10 and 114; 29 & 30 Vic., c. 97.     | —                                                               | —                                                                                                   |
| Persons, to the number of three or more, intimidating or obstructing any other in the lawful prosecution of any fishery.                                                                  | 5 & 6 Vic.<br>c. 106, s. 88.                                    | Penalty not exceeding £20; in default, &c., imprisonment not exceeding 3 months. 1 J.               |

\* *Conviction for first offence.*—It is most reasonable that Justices shall be allowed this discretionary power in certain cases. There are some trivial offences of which children may be convicted, but for which it would be extremely harsh and imprudent, to send them to the common gaol.—The horror of a gaol is to a child greater in the imagination perhaps than it is found to be in reality. An acquaintance with a prison is not likely to improve the young. Moreover, it may prove a source of considerable anguish to a respectable man when he is aware that his name is registered in a prison book for some disgraceful act committed in his years of indiscretion.

| Offence, or cause of Complaint.                                                                                                                  | Statute.                                                             | Extent of Jurisdiction.                                                                                                               |
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| <b>FISHERIES—continued.</b>                                                                                                                      |                                                                      |                                                                                                                                       |
| <i>Nets.</i> —Using nets whereby unsizable or young fish may be taken, except dredging for shell-fish.                                           | 5 & 6 Vic.<br>c. 106, s. 6.                                          | Forfeit net, and penalty not exceeding £10; in default, &c., imprisonment not exceeding 3 months. 1 J.                                |
| Herring or other nets (except as therein) left shot or floating in day time.                                                                     | s. 7,<br>and<br>7 & 8 Vic.<br>c. 108, s. 7.                          | (Forfeit); and penalty not exceeding £10; in default, &c., imprisonment not exceeding 3 months. 1 J.                                  |
| Neglecting to haul up such prohibited nets before sunrise, unless prevented by stress of weather.                                                | 5 & 6 Vic.<br>c. 106, s. 8.                                          | (Forfeit); and penalty not exceeding £5; in default, &c., imprisonment not exceeding 2 months. 1 J.                                   |
| Using trawl or trammel nets where prohibited.                                                                                                    | s. 9.                                                                | (Forfeit); and penalty not exceeding £20; in default, &c., imprisonment not exceeding 3 months. 1 J.                                  |
| Setting nets across entrance to bays contrary to bye-laws.                                                                                       | s. 10.                                                               | Penalty not exceeding £5; in default, &c., imprisonment not exceeding 2 months. 1 J.                                                  |
| Suffering stake nets to extend further than from high to low water mark, or so placing bag nets as that leaders cannot be raised.                | s. 26.                                                               | Penalty not exceeding £10; in default, &c., imprisonment not exceeding 3 months. 1 J.                                                 |
| <i>Ballast.</i> —Discharging in improper places, or unless where allowed by Harbour regulations.                                                 | s. 14.                                                               | Penalty not exceeding £10; in default, &c., imprisonment not exceeding 3 months. 1 J.                                                 |
| <i>Obstructing.</i> —Assaulting or opposing authorized persons, &c., or if Master of fishing vessel refuse on demand to produce his certificate— | s. 90.                                                               | Penalty not exceeding £10; in default, &c., imprisonment not exceeding 3 months. 1 J.                                                 |
| <i>Annual Close Season.</i> —Fishing for salmon or trout in close season, or aiding in so doing.                                                 | 5 & 6 Vic.<br>c. 106, s. 36,<br>and<br>11 & 12 Vic.<br>c. 92, s. 42. | Forfeit fish and engine, and penalty not exceeding £10, nor less than 10s; in default, &c., imprisonment not exceeding 3 months. 1 J. |

| Offence, or cause of Complaint.                                                                                                                                                                                    | Statute.                                                     | Extent of Jurisdiction.                                                                                                                            |
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| <b>FISHERIES—Annual Close Season—continued.</b>                                                                                                                                                                    |                                                              |                                                                                                                                                    |
| Buying, selling, or having in possession any salmon or trout, or part thereof, so caught in close time, (and having in possession to be <i>prima facie</i> evidence of being caught in close time).                | 13 & 14 Vic. c. 88, s. 35.<br>5 & 6 Vic. c. 106, s. 36.      | (Forfeit); and penalty not exceeding £2 each fish, nor less than 10s.; in default, &c., imprisonment not exceeding 2 months. 1 J.                  |
| Neglecting in close season wholly to remove machinery, nets, &c., for taking salmon, &c., in salmon weirs, or other fixed engines (stress of weather excepted, and also rights by patent, &c., for eel fishing).   | 5 & 6 Vic. c. 106, s. 37.                                    | (Forfeit); and penalty not exceeding £50; in default, &c., imprisonment not exceeding 3 months. 1 J.                                               |
| Neglecting to remove all bag, stole, fly, or stake nets, and other engines for catching salmon in tideway during close season (stress of weather excepted), and see also 26 & 27 Vic., c. 114, as to bag nets, &c. | s. 38.                                                       | (Forfeit); and penalty not exceeding £50; and not exceeding £5 a day while unrecovered; in default, &c., imprisonment not exceeding 3 months. 1 J. |
| Neglecting to remove nets from banks and vicinity of rivers during yearly close season.                                                                                                                            | 13 & 14 Vic. c. 88, s. 34.                                   | (Forfeit); and penalty not less than £2; in default, &c., imprisonment not exceeding 2 months. 1 J.                                                |
| <i>Licence.</i> —Using nets, engines, &c., subject to licence duty, without licence (licence to be produced to proper officers on demand).                                                                         | 13 & 14 Vic. c. 88, s. 12, and<br>11 & 12 Vic. c. 92, s. 22. | Penalty not less than double nor more than treble the duty, and engine forfeited; recovered as penalties. 1 J.                                     |
| <i>Illegal Nets.</i> —Seized, if such cannot be legally used—                                                                                                                                                      | 5 & 6 Vic. c. 106 s. 103.                                    | To be destroyed.                                                                                                                                   |
| And legal nets, if used illegally,                                                                                                                                                                                 | ”                                                            | To be sold and proceeds applied as penalties. 1 J.                                                                                                 |
| <i>Spears, &amp;c.</i> —Using otter, spear, strokehaul, &c.                                                                                                                                                        | 13 & 14 Vic. c. 88, s. 40.                                   | Penalties not less than £4, nor exceeding £10, in default, &c., imprisonment not exceeding 3 months. 1 J.                                          |

Unlawfully taking or destroying fish in water running through land belonging to a dwelling-house, see 24 & 25 Vic., c. 96, s. 24, and title “Larceny,” hereinafter.



| Offence, or cause of Complaint.                                                                                                                                                                      | Statute.                   | Extent of Jurisdiction.                                                                                                        |
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| <b>FISHERIES—continued.</b>                                                                                                                                                                          |                            |                                                                                                                                |
| <i>Fry.</i> —Having, taking, or attempting to take fry and spawn of salmon, trout, or eels.                                                                                                          | 5 & 6 Vic. c. 106, s. 73.  | Penalty not exceeding £10 each offence, engines forfeited; in default, &c., imprisonment not exceeding 3 months. 1 J.          |
| <i>Unclean Fish.</i> —Having, taking, or offering for sale unclean or spent fish.                                                                                                                    | s. 74.                     | Penalty not exceeding £2 for each fish; in default, &c., imprisonment not exceeding 2 months. 1 J.                             |
| <i>Weirs—Queen's Share.</i> —No obstruction to be placed near Queen's share, nor shall any person fish in or near same (occupancy or ownership <i>prima facie</i> evidence).                         | s. 57.                     | Penalty not exceeding £30; in default, &c., imprisonment not exceeding 3 months. 1 J.                                          |
| Taking fish within 200 yards of weir used for supplying water to mills, &c., above or below, save with rods and lines (saving right of person possessed of several fishery for 20 years before Act). | 13 & 14 Vic. c. 88, s. 37. | Forfeit nets, &c., and penalty not less than £2, nor more than £10; in default, &c., imprisonment not exceeding 3 months. 1 J. |
| <i>Fish Passages.</i> —While mills, &c., not working, a wheel, &c., not repairing, waste gates, &c., to be closed in dry seasons, so as to force surplus through fish-pass; for non-observance—      | 5 & 6 Vic. c. 106, s. 63.  | Penalty not exceeding £5; in default, &c., imprisonment not exceeding 2 months. 1 J.                                           |
| Fishing at or near fish passages; deterring fish, or obstructing fish pass.                                                                                                                          | 5 & 6 Vic. c. 106, s. 64.  | Penalty not exceeding £20; in default, &c., imprisonment not exceeding 3 months. 1 J.                                          |
| <i>Mills and Sluices.</i> —Mills and sluices be opened or shut as by law required at all times when mills are out of use.                                                                            | 13 & 14 Vic. c. 81, s. 39. | Penalty not less than £2, nor more than £10; in default, &c., imprisonment not exceeding 3 months. 1 J.                        |
| (Proviso as to machinery or water power).                                                                                                                                                            |                            |                                                                                                                                |
| <i>Mill Dams and Water Courses.</i> —Taking or attempting to take fish or fry in works appurtenant to mills, &c., or in water-courses diverted from rivers for such purposes.                        | 5 & 6 Vic. c. 106, s. 75.  | Forfeit engine, &c., and penalty not exceeding £10; in default, &c., imprisonment not exceeding 3 months. 1 J.                 |
| <i>Night.</i> —Attempting to take salmon, trout, &c., at night in inland rivers, &c., or using lights, &c., for such purposes.                                                                       | s. 78.                     | Forfeit instruments, and penalty not exceeding £10; in default, &c., imprisonment not exceeding 3 months. 1 J.                 |

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                     | Statute.                   | Extent of Jurisdiction.                                                                                                                                                                                                                                                                                              |
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| <b>FISHERIES—continued.</b><br><i>Poisonous Matter.</i> *—Allowed to flow into inland rivers.                                                                                                                                                                                                                                                                                       | 5 & 6 Vic. c. 106, s. 80.  | Penalty not exceeding £10; in default, &c., imprisonment not exceeding 3 months. 1 J.                                                                                                                                                                                                                                |
| Poisoning river for the purpose of taking fish.                                                                                                                                                                                                                                                                                                                                     | 13 & 14 Vic. c. 88, s. 36. | Penalty not less than £5, nor more than £10; in default, &c., imprisonment not exceeding 3 months. 1 J.                                                                                                                                                                                                              |
| <i>Trespass.</i> — Person entering upon lands for the purpose, or under pretence of fishing, without permission.                                                                                                                                                                                                                                                                    | 5 & 6 Vic. c. 106, s. 71.  | Penalty not exceeding £2; in default, &c., imprisonment not exceeding 2 months. 1 J.                                                                                                                                                                                                                                 |
| (Fishing without lease, see sec. 65).<br><i>Exporting unclean Salmon.</i> —No unclean or unseasonable Salmon, and no Salmon caught during time at which sale of is prohibited in district where caught, shall be exported to parts beyond the seas. And person exporting or entering same for exportation, shall be liable to—                                                      | 26 Vic. c. 10, s. 3.       | Penalty not exceeding £5 each salmon; in default, &c., imprisonment, as in scale, not exceeding 3 months, and forfeiture of salmon. 1 J.                                                                                                                                                                             |
| <b>THE SALMON FISHERY ACT, 1863.</b><br><i>As to fixed Engines.</i> —After the passing of this Act, no bag net shall be placed or allowed to continue in any river, or the estuary of any river, as such river or estuary has been or shall be defined by the Commissioners, or within less than 3 statute miles from mouth of river so defined,—for contravention of this section. | 26 & 27 Vic. c. 114, s. 3. | To be deemed a common nuisance, and may be taken possession of or destroyed, and same and any salmon taken thereby shall be forfeited,—and owner of net shall for each day offence continued incur a penalty of not less than £5, and not exceeding £20; in default, &c., imprisonment, not exceeding 3 months. 1 J. |
| <i>Proviso.</i> —No bag net now legally existing shall be liable to be removed or deemed illegal under Act by reason of its being within 3 miles of the mouth of a river in the whole of which, including all tributary rivers and lakes upon its course, the proprietor of net has the exclusive right of catching salmon.                                                         | "                          |                                                                                                                                                                                                                                                                                                                      |

\* Maliciously putting lime or noxious material into fish pond to destroy fish—indictable misdemeanor.—24 & 25 Vic., c. 97, s. 82.

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                    | Statute.                   | Extent of Jurisdiction.                                                                                                                                                   |
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| <b>FISHERIES—THE SALMON FISHERY ACT, 1863—continued.</b>                                                                                                                                                                                                                           |                            |                                                                                                                                                                           |
| <i>New fixed Nets.</i> —No fixed net that was not legally erected for catching salmon or trout during the open season of 1862, shall be placed or used for catching salmon or trout in any inland or tidal waters. And any net so placed or used in contravention of this section— | 26 & 27 Vic. c. 114, s. 4. | Liable to be dealt with in all respects as proceeding, and like penalty. 1 J.                                                                                             |
| Commissioners shall abate and remove all fixed salmon or trout nets, that, in their judgment is injurious to navigation, and if satisfied of their illegality, remove all other fixed nets that are contrary to law.                                                               | s. 5.                      |                                                                                                                                                                           |
| Commissioners, subject to certain conditions, may give certificate as to certain fixed nets erected in pursuance of 5 & 6 Vic. c. 106. Certificate, if unappealed from, to be evidence of the right of person named therein.                                                       | s. 6.                      | But not to render a net legal that would be illegal by being injurious to navigation, a common nuisance to public right of fishing, or contrary to common or statute law. |
| <i>Weirs.</i> —Commissioners shall inquire into legality of all fishing weirs, and as to free gaps, &c.                                                                                                                                                                            | s. 7.                      |                                                                                                                                                                           |
| Persons unlawfully erecting or keeping up any fishing weir upon a river after notice from owner or occupier of any grounds on bank of such river.                                                                                                                                  | s. 8.                      | Liable to forfeit £50, and costs, by action of debt.                                                                                                                      |
| Section 9 provides for the construction and regulation of <i>free gaps</i> .                                                                                                                                                                                                       | s. 9.                      |                                                                                                                                                                           |
| Section 10 provides for the construction of boxes and cribs in fishing weirs and fishing mill dams. And owner shall bring any box or crib, attached to weir in contravention of Act, into conformity with Act within 6 months after commencement of Act, in default—               | s. 10.                     | For each day, after expiration of the 6 months, he so fails, penalty not less than £5, and not exceeding £20; in default, &c., imprisonment not exceeding 3 months. 1 J.  |
| And any owner failing so to maintain same, shall for each day of failure be liable to.                                                                                                                                                                                             | "                          | Penalty not less than £1, and not exceeding £5 a-day; in default, &c., imprisonment in proportion, not exceeding 3 months. 1 J.                                           |
| (Commissioners may extend weekly close time 24 hours, when inexpedient to require a free gap in a particular river.)                                                                                                                                                               | s. 11.                     |                                                                                                                                                                           |

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Statute.                                                                                                                                                          | Extent of Jurisdiction.                                                                                                                                                                                                 |
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| <p><b>FISHERIES—THE SALMON FISHERY ACT, 1863—continued.</b></p> <p><i>Free Gaps in Weirs</i>—Rules to be observed for enforcing free gaps. Weir without free gaps, at commencement of Act, owner shall, within 12 months, make same, and for each day after expiration, &amp;c., in default—</p> <p>Where free gap made, but not maintained, in accordance with Act.</p> <p>No alteration shall be made in the bed of any river in such manner as to reduce the flow of water through a free gap, if it is, person so making shall incur—</p> <p><i>Scaring Salmon from Free Gap.</i>—No person shall place obstruction, use contrivance, or do an act whereby fish may be scared, deterred, or in any way prevented from freely entering and passing up and down free gap at all periods of the year, or shall use any nets or other engines within 50 yards above or below free gap.</p> <p>Proceedings before Commissioners for abatement of illegal nets and weirs.</p> <p>Mode of appeal from decision of Special Commissioners.</p> <p><i>Mill Dams.</i>—No person shall use any box, crib, net, &amp;c., or other instrument for taking fish (save and except rods and lines only) at or within 50 yards either above or below a mill dam, unless there is attached a fish pass as may be approved by Commissioners nor unless such pass has constantly running such flow of water as that fish may pass up and down,—for offending—</p> | 26 & 27 Vic. c. 114, s. 12.                                                                                                                                       | Penalty not less than £5, and not exceeding £50 a-day; in default, &c., imprisonment, by scale, not exceeding 3 months. 1 J.                                                                                            |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | "                                                                                                                                                                 | Penalty not exceeding £5 a day; in default, &c., like imprisonment. 1 J.                                                                                                                                                |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | "                                                                                                                                                                 | Penalty not less than £5, and not exceeding £50, and a further penalty of £1 a day, until bed restored to original state; in default, &c., imprisonment, in proportion, not to exceed 3 months. 1 J.                    |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | "                                                                                                                                                                 | Penalty not less than £5, and not exceeding £20, for first offence, and not less than £10 and not exceeding £50 for each subsequent offence; in default, &c., imprisonment, in proportion, not to exceed 3 months. 1 J. |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | s. 18.                                                                                                                                                            |                                                                                                                                                                                                                         |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | s. 14.                                                                                                                                                            |                                                                                                                                                                                                                         |
| s. 16.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Penalty not less than £5, and not exceeding £20, (recoverable by anyone who will sue); in default, &c., imprisonment, in proportion, not exceeding 3 months. 1 J. |                                                                                                                                                                                                                         |

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Statute.                                                                               | Extent of Jurisdiction.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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| <b>FISHERIES—THE SALMON FISHERY Act, 1863—continued.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Power to Commissioners to define estuaries and mouths of rivers.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 26 & 27 Vic. c. 114, s. 17.                                                            | Penalty not exceeding £5; in default, &c., imprisonment not exceeding 2 months. 1 J.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <i>Boat.</i> —If proved to satisfaction of justices that boat, cot, or curragh, found on or near waters frequented by salmon or trout, has been used for capture of salmon or trout, during any part of annual or weekly close time; person proved to have used same—                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | s. 18.                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Second, or any subsequent offence—<br><i>Boat</i> not to be forfeited where proved to be used without knowledge or consent of owner.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | "                                                                                      | Like penalty, and boat may be seized and forfeited.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <i>Weekly Close Season.</i> *—6 o'clock Saturday morning and 6 o'clock succeeding Monday morning. Salmon or trout not to be fished for except by single rod and line, (in Weekly Close Season). In stake, flood, ebb, head, weir, &c., a clear opening of 4 feet, and to be kept free, &c., so as to allow free passage of all fish through pouches, &c. Netting of leaders, &c., &c., to be raised and kept out of water. In rivers, tideways, &c., all other nets (except for taking eels) to be wholly removed out of water. In scales, rails, &c., of cribs, boxes, cruives for salmon to be removed or opened in each crib, &c., &c., in all salmon weirs, so as to leave a clear opening of 4 feet in width, at least, from bottom to top of crib, &c., and a free uninterrupted opening of said width for passage of all fish up and down through such boxes, cribs, or cruives. | 5 & 6 Vic. c. 106, s. 40.<br>13 & 14 Vic. c. 88, s. 46.<br>26 & 27 Vic. c. 114, s. 20. | For every such offence, penalty not less than £10, and not exceeding £50. And when any salmon or trout is taken at any fishing weir in contravention of Acts, or when box, crib, or cruive, left unopened, or otherwise left not in conformity with said Acts, <i>penalty</i> of not less than £10, nor exceeding £50 for each box, crib, or cruive in the weir in which any fish so illegally taken, or left unopened, as aforesaid, or not in conformity with said Acts. (And net or other instrument, or the inscales or gates and rails of cribs, &c., so used, to be forfeited), in default, &c., imprisonment not exceeding 3 months. 1 J. |

\* The last Act 26 & 27 Vic., c. 114, s. 20, alters the weekly close season and in other respects alters and amends the former Acts. To properly understand the nature of the offences above comprised a careful reading of the 3 sections is indispensable.

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Statute.                                                                                                                                                                                            | Extent of Jurisdiction.                                                                                                                                  |
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| <p><b>FISHERIES—OYSTER FISHERY ACT, 1866—continued.</b><br/>           To interfere with or take away any of the oysters from such bed, without consent of licensees, owners, or occupiers.*<br/>           Proceedings to be under Petty Sessions Act.<br/>           This Act to be construed with former Acts.<br/> <i>Application of Penalties.</i>—One-third to informer, two-thirds to conservators.<br/> <i>Complaint.</i>—May be verbal or otherwise; triable by one or more Justices.</p> | <p>29 &amp; 30 Vic. c. 97, s. 13.<br/><br/>           s. 16.<br/>           11 &amp; 12 Vic. c. 92.<br/>           21 &amp; 22 Vic. c. 100, s. 28.<br/>           5 &amp; 6 Vic. c. 106, s. 94.</p> | <p>Like.<br/><br/>           —<br/><br/>           —</p>                                                                                                 |
| <p><b>FLAGS (Party):</b><br/>           See "Party Processions."</p>                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                     |                                                                                                                                                          |
| <p><b>FLAX:</b><br/>           Beating on road or street, or within 80 feet of centre.</p>                                                                                                                                                                                                                                                                                                                                                                                                         | <p>14 &amp; 15 Vic. c. 92, s. 10.</p>                                                                                                                                                               | <p>Penalty not exceeding 10s.; in default, &amp;c., imprisonment not exceeding 14 days. 1 J.</p>                                                         |
| <p><b>FLEECE (Stolen):</b><br/>           See "Larceny."<br/>           Frauds.—See "Weights and Measures."</p>                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                     |                                                                                                                                                          |
| <p><b>FLOUR:</b><br/>           See "Adulteration."</p>                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                     |                                                                                                                                                          |
| <p><b>FOREIGN ENLISTMENT ACT:</b><br/>           See "Indictable Offences."</p>                                                                                                                                                                                                                                                                                                                                                                                                                    | <p>59 Geo. iii. c. 69.</p>                                                                                                                                                                          |                                                                                                                                                          |
| <p><b>FOREIGN (SHIP) DESERTERS:</b><br/>           Upon application of Consul, &amp;c., Justices shall aid in recovering deserters from ships of foreign powers, and may apprehend them and send them on board.</p>                                                                                                                                                                                                                                                                                | <p>15 Vic. c. 26, s. 2.</p>                                                                                                                                                                         | <p>Complaint on oath, warrant to issue for apprehension; may order him to be put on board, or delivered over to master or owner.<br/>           1 J.</p> |

\* Stealing oysters or brood from oyster bed, &c., felony, and unlawfully dredging in oyster beds, &c., of another, and known as such, or being sufficiently marked out, 24 & 25 Vic.; c. 96, s. 26.

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Statute.                                                                                               | Extent of Jurisdiction.                                                                                                                                                                                                                        |
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| <b>FOREIGN (SHIP) DESERTERS:—</b><br><i>continued.</i><br>Protecting or harbouring such deserters knowingly.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 15 Vic. c. 26, s. 3.                                                                                   | Penalty not exceeding £10.* 2 J.                                                                                                                                                                                                               |
| <b>FRAUDS AS TO PROVISIONS:</b><br><i>Grain.</i> —Any person who shall sell or offer for sale any wheat, rye, meslin, pease, beans, barley, bere, oats, shillin, cutlings, meal, flour, malt, or other corn, in whole or in part spoiled or adulterated by wetting or mixtures of dirt, &c., or damaged corn or other stuff, or which shall not be equal to sample, or using any fraud to increase weight, &c.<br><i>Meat, Fish, &amp;c.</i> —Exhibiting for sale unwholesome or fraudulently prepared meat, fish, or other provisions or food of any kind, for man or beast, or shall practise any deceit or fraud in respect to the quality of any such meat, fish, or other provisions.†<br>See also "Adulteration," and "Weights and Measures." | 14 & 15 Vic. c. 92, s. 7.<br><br>"                                                                     | Forfeit articles, and also a fine not exceeding 40s.; or may be imprisoned not exceeding 1 month. 1 J.<br><br>Like. 1 J.<br>The Justice may hear the case at once, or may adjourn it to next Petty Sessions day.                               |
| <b>FRIENDLY SOCIETIES:</b><br>Laws relating to Friendly Societies consolidated and amended by—<br>Further amended by . . .<br><br>Powers of Justices in England extended to Ireland by—<br><i>Imposition.</i> —Officers, members, &c., by false representation or imposition obtaining possession of moneys, effects, &c., of society, or withholding or misapplying same, contrary to rules of society—                                                                                                                                                                                                                                                                                                                                            | 18 & 19 c. 63. Vic.<br>23 & 24 Vic. c. 68.<br>21 & 22 Vic. c. 101, s. 1.<br>18 & 19 Vic. c. 63, s. 24. | —<br>—<br>—<br>May be ordered to deliver up same, and repay money applied improperly; and if Justices think fit, a further sum not exceeding £20, with costs not exceeding 20s.; for non-compliance, imprisonment not exceeding 3 months. 2 J. |

\* The section states that such penalties shall be recovered as penalties for harbouring deserters from British merchant ships; and these, by the Merchant Shipping Act, are directed to be recovered under the Petty Sessions (Ireland) Act.

† It is an indictable offence at Common Law to sell unwholesome food, or to mix

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Statute.                                                                                                                                            | Extent of Jurisdiction.                                                                                                                                                                                                                                                                                                         |
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| <p><b>FRIENDLY SOCIETIES—continued.</b><br/> <i>Disputes</i>—Where the rules of the society direct disputes to be referred to Justices, one Justice of the Peace may summon, and two Justices of the Peace determine, as in Petty Sessions (Ireland) Act (14 &amp; 15 Vic., c. 93); and may make order for payment of money or otherwise, with costs not exceeding 10s.; and where the order is to do an act other than payment of money, the Justices may order a sum of money, in default of the doing of such act.</p> <p>In case of dissolution of society, under s. 18 of 18 &amp; 19 Vic., c. 63, not necessary to state in agreement intended division of funds, but may refer the same to the award of the Registrar.</p> <p>Registrar's award to be conclusive without appeal.</p> <p>Evidence of dissolution, . . . . .</p> <p>Registrar's annual report to contain particulars of awards.</p> <p>Section 8 of 21 &amp; 22 Vic., c. 101, repealed by—</p> <p>Officer making default in transmitting to the Registrar, before 1st June in each year, the general statement or copy of the last annual report of the society, in compliance with provisions of 9 &amp; 10 Vic., c. 27, s. 6.</p> | <p>21 &amp; 22 Vic.<br/>c. 101, s. 5.</p> <p>23 &amp; 24 Vic.<br/>c. 58, s. 1.</p> <p>s. 2.</p> <p>s. 3.</p> <p>s. 4.</p> <p>s. 6.</p> <p>s. 7.</p> | <p>Two Justices may make the order against the secretary or other officer sued; recoverable as in Petty Sessions Act.</p> <p>—</p> <p>—</p> <p>—</p> <p>—</p> <p>—</p> <p>Penalty not exceeding 20s., with costs, to be recovered at suit of Registrar; recoverable under Petty Sessions Act, 14 &amp; 15 Vic., c. 93. 2 J.</p> |
| <p><b>FRUIT:</b><br/>See "Larceny," or "Malicious Injuries," as case may be.</p> <p><b>FRUIT TREES:</b><br/>See "Larceny," or "Malicious Injuries," as case may be.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                 |

noxious ingredients in provisions which are offered for sale and sold.—*Dixon's Case*, 3 *M. and Schw.* 11.

There are many instances of convictions by indictment having been had for selling unwholesome food (meat or grain), not fit to be eaten by man.—See notes on the above sections, "*Coppingers' Practice*," p. 699.



| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                      | Statute.                                                                                                   | Extent of Jurisdiction.                                                                                                                                                                                               |
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| <p><b>FURIOUS DRIVING:</b><br/>Riding or driving furiously on any public road or street, so as to endanger any passenger; or by carelessness or wilful misbehaviour, causing any injury to any person or property thereon.</p> <p>For compensation, where injury is done by the driver of any carriage, see "Carriages."</p>                                                                                                                                         | 14 & 15 Vic. c. 92, s. 13.                                                                                 | Penalty not exceeding 20s.; in default, &c., imprisonment not exceeding 1 month. 1 J. If bodily harm be done to any person thereby, the offender may be indicted for a misdemeanor under 24 & 25 Vic., c. 100, s. 35. |
| <p><b>GAME:*</b><br/><i>Qualification to shoot.</i>—Persons not having freehold estate of £40 a-year, or personal estate to value of £1,000, shooting, killing, or taking game.</p> <p><i>Dogs.</i>—Persons not duly qualified (by at least £100 a-year freehold, or personal estate value of £1,000), or licensed by Justices as trainers, keeping any <b>SETTING</b> dog or bitch, pointer, hound, beagle, greyhound, or land-spaniel, except whelps at nurse.</p> | <p>10 Wm. iii. c. 8, s. 8. (Irish).</p> <p>10 Wm. iii. c. 8, s. 10. 27 Geo. iii. c. 35, s. 8. (Irish).</p> | <p>Penalty 10s.† 1 J.</p> <p>Penalty £5, recoverable by distress.‡ 1 J.</p>                                                                                                                                           |

\* It has been observed that Ireland never felt the extreme severities of the Forest Laws, although replenished with all sorts of game from the most remote era; yet the existing statutes regulating the right of killing, &c., and the preservation of game, are consequences of the same original causes which produced the English Game Laws, and which, to a certain extent, give a property in game. "Property is the power that a man hath over any other thing for his own use, and the ability that he has to apply it to the sustenance of his being; when the power ceases his property is lost; and by consequence, an animal of this kind, which, after my seizure, escapes into the wild common of nature, and asserts its own liberty by its swiftness, is no more mine than any other creature in the Indies, because I have it no longer in my power or disposal."—*Bacon's Abr.* Still many reasons concurred for the making of these constitutions:—"First, for the encouragement of agriculture and improvement of lands, by giving every man an exclusive dominion over his own soil. Secondly, for the preservation of the several species of these animals, which would soon be extirpated by a general liberty. Thirdly, for prevention of idleness and dissipation in husbandmen, artificers and other persons of lower rank, which would be the unavoidable consequence of universal licence.—*Black. Com.* A fourth reason has been added, the increase to the public revenue by licences to kill game.

† There does not now appear to be any means of enforcing this penalty; the section provided "whipping" in default. This punishment is repealed by 27 Geo. iii., c. 35, sec. 2. The provisions in the Petty Sessions Act for enforcing penalties do not apply to Game Laws. The Fines Act, 14 & 15 Vic., c. 90, sec. 8, merely directs the issue of the *proper* warrant. It is not of much consequence at present.

‡ The section provides no penalty for so keeping a setting dog or bitch, and the

| Offence, or cause of Complaint.                                                                                                                                                                                                                                            | Statute.                                                   | Extent of Jurisdiction.                                                                         |
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| <b>GAME—continued.</b>                                                                                                                                                                                                                                                     |                                                            |                                                                                                 |
| <i>Deer.</i> —Hunting, killing, &c., any male deer before 10th June, or male fallow after Michaelmas, unless in one's own ground.                                                                                                                                          | 10 Wm. iii. c. 8, s. 6.                                    | Penalty £5; distress in default. 1 J.                                                           |
| <i>Pheasant.</i> —Taking, killing, selling, or buying, any pheasant or wild turkey between 1st Feb. and 1st Oct.                                                                                                                                                           | 27 Geo. iii. c. 35, s. 4. (Irish), and 28 & 29 Vic. c. 54. | Penalty not exceeding £5 a-head; in default, &c., imprisonment not exceeding 1 month. 1 J.      |
| <i>Grouse, Partridge, &amp;c.</i> —Taking, killing, &c., selling, buying, or having in possession moor-game, heath-game, or grouse, between 10th December and 20th August; or partridge, land-rail, or quail, between 10th January and 20th September.                     | 37 Geo. iii. c. 21, s. 2. (Irish.)                         | Penalty not exceeding £5, recoverable as above. 1 J.                                            |
| <i>Sunday.</i> —Using gun, net, &c., to take, kill, or destroy game as aforesaid, or other wild fowl, hare or rabbit, on Sunday.                                                                                                                                           | 27 Geo. iii. c. 35, s. 4. (Irish.)                         | Like penalty.                                                                                   |
| Tracing game in snow, if not qualified, or on own lands.                                                                                                                                                                                                                   | „                                                          | Like penalty.                                                                                   |
| Destroying eggs or nest of game or wild fowl.                                                                                                                                                                                                                              | „                                                          | Penalty not exceeding £5; in default, &c., imprisonment not exceeding 1 month. 1 J.             |
| <i>Trespass.</i> —Unauthorized persons entering upon the lands of others to look for, start, shoot, course, hunt, &c., game or wild fowl.                                                                                                                                  | s. 10.                                                     | Penalty not exceeding £10; in default, &c., imprisonment not exceeding 1 month. 1 J.            |
| Landlord or lessor having reserved right of game, shall, for the purpose of prosecuting persons trespassing in pursuit of game be deemed the legal occupier. And any person who shall enter, or be upon the said land, without his consent, shall be deemed a trespasser.* | 27 & 28 Vic. c. 67.                                        | Penalty not exceeding 40s. and costs; in default, &c., imprisonment not exceeding 1 month. 1 J. |

Court of Queen's Bench has so decided in a recent case—but it would appear that the offender is liable to be indicted.—The Law never commands, but to compel, and wherever a statute enjoins or prohibits any Act, the person disobeying is liable to be indicted at Common Law. Indeed there being no power to enforce several of these penalties by imprisonment, the Law is in most cases rendered nugatory with respect to them.

The *forms* given in Petty Sessions Act may be used in game prosecutions, but in other respects the Act is not extended to proceedings under the Game Laws, 14 & 15 Vic., c. 93, s. 42.

\* It seems strange that the Act contains no exception in the case of a first conviction.

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Statute.                                                                                         | Extent of Jurisdiction.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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| <p><b>GAME—continued.</b><br/> Prosecutions to be under P. Sessions Act and Petty Sessions Clerks Act. "Game," in this Act, shall include hares, pheasants, partridges, grouse, heath, or moor-game, black-game, woodcocks, snipes, quails, land-rails, wild-ducks, widgeon and teal.</p> <p><i>Night Poaching.</i>—Persons by night unlawfully taking or destroying any game or rabbits in any land, or entering upon any land with gun, net, or other instrument, for the purpose of taking game.</p> <p>(Extended to the destruction of game, &amp;c., on public roads, by 7 &amp; 8 Vic. c. 29.)</p> <p>Owners, occupiers, or servants, may apprehend, and offenders assaulting or offering violence with any offensive weapon, shall, though it be a first offence, be guilty of a misdemeanor.</p> <p>Assaulting with offensive weapon any person so authorized to apprehend offenders.</p> <p>Three or more persons armed unlawfully entering or being found on lands at night for the purpose of taking or killing game or rabbits.</p> | <p>27 &amp; 28 Vic. c. 67.</p> <p>9 Geo. iv. c. 69, s. 1.</p> <p>"</p> <p>a. 2.</p> <p>a. 9.</p> | <p>First offence: imprisonment not exceeding 3 months H. L., and at expiration to find sureties, self in £10, and two sureties in £5, for not again offending; in default of finding sureties, to be recommitted for 6 months H. L.</p> <p>Second offence: imprisonment not exceeding 6 months H. L.; at expiration, to find sureties, self in £20 and two in £10, or one in £20, not to offend for 2 years; in default, to be recommitted for 1 year. 2 J.</p> <p>Third offence: indictable misdemeanor, penal servitude 5 to 7 years, or imprisonment not exceeding 2 years.*</p> <p>Misdemeanor, penal servitude 5 to 7 years, or imprisonment with H. L. not exceeding 2 years.</p> <p>Misdemeanor, penal servitude 5 to 14 years, or imprisonment with H. L. not exceeding 3 years.</p> |

tion, and where the trespass may take place by the permission or authority of the occupier of lands and without knowledge or notice of the lessors reserved right. Where such may happen to be the case the magistrates can impose a nominal penalty.

\* The Act says from 3 to 7 years, but now, by 27 & 28 Vic, c. 47, penal servitude is not to be less than 5 years in any case.

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Statute.                                               | Extent of Jurisdiction.                                                                                                                                                                                                                                                                                                                                                  |
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| <p><b>GAME—continued.</b><br/> <i>General Act against Poaching at any time.</i>—Constable or peace officer authorized on any highway, street, or public place to search any person whom he may have cause to suspect of coming from land where he shall have been unlawfully in search or pursuit of game;* or persons aiding, &amp;c., and having in possession any game unlawfully obtained, or any gun, net, engine, &amp;c., used for killing or taking game, and to stop and search any conveyance suspected of having such things therein; and if any game, gun, engines, &amp;c., found, constable may seize and detain same, and shall summon the person to appear before two Justices at the Petty Sessions for the division; and if such person shall have obtained such game by unlawfully going on any land in search or pursuit of game, or shall have used any such article or thing as aforesaid, for unlawfully killing or taking game, or shall have been accessory thereto.</p> | <p>25 &amp; 26 Vic.<br/>c. 114, s. 2.</p>              | <p>Penalty not exceeding £5; in default, &amp;c., imprisonment not exceeding 2 months. 2 J.</p> <p>Game and engines to be forfeited, sold, or destroyed; proceeds of sale and penalty to be paid to Treasurer of County or Borough where conviction takes place. If no conviction, the property to be restored to owner. Proceedings to be under Petty Sessions Act.</p> |
| <p><i>Appeal.</i>—Appeal to Quarter Sessions (to be held next after twelve days) from Justices' conviction under this Act.</p> <p>For offence of stealing or setting engines for deer, &amp;c., resisting keepers, or killing hares or rabbits in a warren—see title "Larceny," in the Summary and Indictable Offences Index.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p>25 &amp; 26 Vic.<br/>c. 114, s. 6.</p>              | <p>—</p>                                                                                                                                                                                                                                                                                                                                                                 |
| <p><i>Excise Penalties.</i>—Taking, killing, or pursuing game, woodcock, snipe, quail, landrail, or deer without licence.</p> <p>Refusing to produce licence, or to give name and residence.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <p>23 &amp; 24 Vic.<br/>c. 90, s. 4.</p> <p>s. 10.</p> | <p>Penalty £20, recoverable as Excise penalties. 2 J.</p> <p>Like penalty.</p>                                                                                                                                                                                                                                                                                           |

\* *Game*, for the purposes of this Act, shall include hares, pheasants, partridges, eggs of pheasants and partridges, woodcocks, snipe, rabbits, grouse, black or moor game, and eggs of grouse, black or moor game. Sec. 1.

| Offence, or cause of Complaint.                                                                                                                                                                                   | Statute.                    | Extent of Jurisdiction.                                                                                                                                     |
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| <b>GAME—continued.</b><br>Coursing with greyhound, beagles, or other hounds excepted and exempted from game certificate.                                                                                          | 23 & 24 Vic. c. 90, s. 5.   | (But this exemption in section 5 will only protect from Excise penalty.)                                                                                    |
| Game certificate not necessary for killing rabbits.<br>(But may be prosecuted for poaching under 25 & 26 Vic. c. 114, s. 2.)                                                                                      | 23 & 24 Vic. c. 113, s. 43. | —                                                                                                                                                           |
| Dealers in game, licensed by Justices, neglecting to take out Excise licence before dealing.                                                                                                                      | 23 & 24 Vic. c. 90, s. 14.  | Penalty £20; but if tried under 1 & 2 Wm. iv., c. 52, s. 25, the penalty is—not exceeding £2 for every head of game sold, recoverable as Excise penalties.* |
| Persons dealing in game without Excise licence shall be liable to the penalty whether licensed by the Justices or not.                                                                                            | 24 & 25 Vic. c. 91, s. 17.  | Persons selling, under written order of Justices, forfeited game on conviction under 25 & 26 Vic. c. 114, s. 2, not liable to penalty.                      |
| <b>GAMING HOUSES:</b><br>Upon complaint on oath, that there is reason to suspect any house to be used as a common gaming house, Justice may issue warrant to enter and to bring before him persons found therein. | 8 & 9 Vic. c. 109, s. 3.    | 1 J.                                                                                                                                                        |
| Keeping a common gaming house; acting as a banker therein, &c.                                                                                                                                                    | ”                           | Penalty not exceeding £100, or imprisonment not exceeding 6 months. 2 J.<br>Or may be tried by indictment.                                                  |
| Cheating at play or in betting, punishable by indictment, as obtaining money under false pretences.                                                                                                               | s. 17.                      | —                                                                                                                                                           |
| Wagers not recoverable at law (not to apply to plates, prizes, or money won in lawful games or exercises).                                                                                                        | s. 18.                      | —                                                                                                                                                           |

\* Sec. 13 of the 23 & 24 Vic. c. 90, extends the 1 & 2 Wm. iv., c. 52, and 2 & 3 Vic. c. 35, relating to granting of licences by Justices to deal in game to Ireland. Justices can hold Sessions for the purpose at any time, and from time to time, from July to December inclusive. Seven days' notice previous to holding Sessions should be giving to each Justice of the district. For licence to be granted by Justices, see form in *Appendix*. Any two Divisional Magistrates in Dublin may grant licence, 28 Vic. ch. 2.

| Offence, or cause of Complaint.                                                                                                                                                                                                  | Statute.                                        | Extent of Jurisdiction.                                                                                             |
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| <b>GAMING HOUSES—continued.</b><br>So much of Henry viii., c. 33, s. 9, as declares games of mere skill—as bowling, quoiting, tennis, or the like—unlawful, repealed.                                                            |                                                 |                                                                                                                     |
| <b>GAMBLERS:</b><br>See "Thimblers and Swindlers," Towns Improvement Act.                                                                                                                                                        | 17 & 18 Vic.<br>c. 103, s. 76.                  | —                                                                                                                   |
| <b>GAMES (on Roads, Streets, &amp;c.):</b><br>Playing at any game on road or street, to the danger of passengers.                                                                                                                | 14 & 15 Vic.<br>c. 92, s. 10.                   | —                                                                                                                   |
| <b>GAOL AND GAOLER:</b><br><i>Prisoners' Offences.</i> —Prisoner repeatedly offending against prison rules, or guilty of greater offence than gaoler empowered to punish.*                                                       | 7 Geo. iv.<br>c. 74, s. 109.<br>Rule 16 of sec. | May be punished by solitary confinement, on bread and water, for not exceeding 1 month. 1 J.                        |
| <i>Prohibited Articles.</i> —Bringing, or attempting to bring, spirituous liquors into prison.                                                                                                                                   | s. 110.                                         | Penalty not exceeding £20; and unless immediately paid, imprisonment not exceeding 3 months. 1 J.                   |
| Bringing, or attempting to bring into prison, by throwing over walls or otherwise, any letters, tobacco or any article prohibited by the rules of the prison.                                                                    | 19 & 20 Vic.<br>c. 68, s. 84.                   | Penalty not exceeding £5, nor less than 40s.; and if not immediately paid, imprisonment not exceeding 1 month. 1 J. |
| Gaoler, or any officer of any gaol, &c., who shall sell, use, lend, or give away any spirits, or knowingly permit or suffer any spirits to be sold, used, lent, or given away in such gaol, &c., except as medically prescribed. | 23 & 24 Vic.<br>c. 114, s. 193.                 | Penalty £100, by Excise prosecution. Second offence to be deemed a forfeiture of his office.                        |
| Warrants of committal need not be addressed to gaoler.                                                                                                                                                                           | 14 & 15 Vic.<br>c. 93, s. 25.                   | —                                                                                                                   |

\* Prisons Act, 7 Geo. iv., c. 74, s. 109, Rule 15—"The keeper of every prison shall have power to hear all complaints touching disobedience to any of the rules of the prison; assaults by one person confined in such prison upon another, when no dangerous wound or bruise is given; profane cursing and swearing; any indecent behaviour, and any irreverent behaviour at chapel; breaking windows, or otherwise injuring the prison or any part of the furniture thereof; absence from chapel without leave; idleness or negligence in work, or wilful mismanagement of it; and the keeper may examine any person touching such offences."

| Office, or cause of Complaint.                                                                                                                                                                                                           | Statute.                                          | Extent of Jurisdiction.                                                                                                                                                                                         |
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| <p><b>GAOL AND GAOLER—continued.</b><br/> <i>Commitals, Remands.</i>—In cases of adjournments or remands, gaoler shall bring the prisoner at the time and place fixed by the warrant for that purpose.</p>                               | <p>14 &amp; 15 Vic.<br/>c. 93, s. 25.</p>         | <p>—</p>                                                                                                                                                                                                        |
| <p>Gaoler to give receipt for prisoners committed, stating therein whether sober or not.</p>                                                                                                                                             | <p>s. 22.</p>                                     | <p>—</p>                                                                                                                                                                                                        |
| <p>(Form of receipt, Schedule F in Act.)<br/> <i>Bailing.</i>—Prisoners committed for trial, where committing Justice certifies on back of commitment his consent to bail, and the amount,—</p>                                          | <p>s. 16.</p>                                     | <p>Any Justice of the county attending such gaol, may admit to bail (on production of certificate), at any time before first day of the sitting of the Court.</p>                                               |
| <p>Where sureties cannot attend the gaol, Justice may take recognizance of sureties in conformity with certificate, and transmit recognizance to gaoler.</p>                                                                             | <p>"</p>                                          | <p>Any Justice attending gaol (before such time as aforesaid) may take recognizance of accused, and Justice shall give the gaoler warrant to discharge—E. &amp; in Schedule, if detained in no other case.*</p> |
| <p><i>Fines.</i>—Keeper of gaol or bridewell, to whom fines shall be paid, shall endorse on warrant amount and date of payment; and within 14 days (or as directed by Chief or Under Secretary) pay over amount to officer of Court.</p> | <p>14 &amp; 15 Vic.<br/>c. 90, ss. 5 &amp; 8.</p> | <p>Penalty, in default, not exceeding £20, recoverable before 2 J.</p>                                                                                                                                          |
| <p><i>Excise.</i>—In convictions under the "Illicit Distillation Act," gaolers to allow prisoners for time spent and accept fines in proportion to unexpired term.<br/> See title "Excise."</p>                                          | <p>1 &amp; 2 Wm. iv.<br/>c. 55, s. 42.</p>        | <p>—</p>                                                                                                                                                                                                        |

\* The *Habeas Corpus* Act, 21 & 22 Geo. iii., c. 11, s. 4, enacts, that if any officer, or his under officer, under keeper, or deputy, in whose custody the prisoner is committed or detained, upon demand made by the prisoner or any other person in his behalf, shall refuse to deliver, or within six hours after demand, shall not deliver to the person so demanding it, a true copy of the warrant or warrants of commitment and detainer of such prisoner, he shall forfeit to the prisoner or party aggrieved, for the first offence £100, and for second offence £200, and shall also be deprived of his office.

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                        | Statute.                     | Extent of Jurisdiction.                                                                                                |
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| <b>GAOL AND GAOLER.—continued.</b><br><i>Customs.</i> —Where persons are committed by Justices for non-payment of any penalty incurred against the Customs Laws—<br>See title “Customs.”                                                                                               | 16 & 17 Vic. c. 107.         | The Act requires that the gaoler shall discharge the offender at the end of 6 months’ imprisonment.*                   |
| <i>Seamen.</i> —Seamen undergoing imprisonment for desertion, absence, or breach of discipline against provisions of Merchant Shipping Act.<br>See title “Merchant Shipping.”                                                                                                          | 17 & 18 Vic. c. 104, s. 248. | May by order of Justices, be sent on board before the expiration of his sentence, on application of master or owner. † |
| <i>Deserters.</i> —Gaolers to pay Justices’ Clerk fee on committal, and also fee of Medical Practitioner, not being a Military Medical Officer; and notify the fact to Secretary at War; and forward copy committal.                                                                   | Mutiny Act, Annual.          | —                                                                                                                      |
| <i>Royal Navy.</i> —Gaoler, without lawful excuse, refusing to receive prisoners convicted under the “Act for Government of the Navy.”                                                                                                                                                 | 24 & 25 Vic. c. 115, s. 72.  | Penalty not exceeding £100, by distress, recoverable before 2 J.                                                       |
| <i>Reformatory.</i> —Governor of goal in the first instance to pay for transmission of juvenile offenders from prison to reformatory school.                                                                                                                                           | 21 & 22 Vic. c. 103, s. 10.  | —                                                                                                                      |
| He shall also forward with the offender original duplicate (if any) of warrant, or a copy of warrant, and at foot thereof a memorandum signed by him, stating that the “juvenile offender named therein, and sent therewith, is identical with the person delivered with the warrant.” | s. 11.                       | —                                                                                                                      |
| <i>Escape.</i> — <i>Negligently</i> permitting the escape of a prisoner in custody for criminal offence.                                                                                                                                                                               | Common Law.                  | Indictable misdemeanor.                                                                                                |
| <i>Voluntarily</i> or knowingly causing or permitting escape.                                                                                                                                                                                                                          | „                            | Amounts to same crime of which prisoner was guilty, and for which he was in custody.                                   |

\* There are offences in this Act for which the Justices are not empowered to measure the term of imprisonment, but merely to direct in their warrant that the prisoner shall “remain in custody until the penalty be paid.” If no other authority interfere, the Act limits the time for the gaoler.

† The Magistrate, in giving the order, should refer the gaoler to the authority of the Act; for it is the Act of Parliament which could alone give the Magistrate the power to take the prisoner out of custody. As a *rule*, once a prisoner is committed, the Magistrate has no power either to order his release or to alter the sentence; and the gaoler acting on any such illegal order, may be held liable, as if he had allowed his prisoner to escape.



| Offence, or cause of Complaint.                                                                                                                                                                               | Statute.                      | Extent of Jurisdiction.                                                                                       |
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| <b>GARDEN :</b><br>Destroying fruit or vegetable productions in garden, &c.<br>See "Malicious Injuries."<br>For offence of stealing same, see "Larceny."                                                      |                               | —                                                                                                             |
| <b>GAS :</b><br>Act regulating measures used in the sale of gas.                                                                                                                                              | 22 & 23 Vic. c. 66.           | All penalties and forfeitures to be sued for and recoverable before 2 J., or before the mayors of cities, &c. |
| Amended by, . . . . .                                                                                                                                                                                         | 28 & 24 Vic. c. 146.          | —                                                                                                             |
| For offences of undertakers breaking up streets without notice; hindering officers entering buildings to inspect; fraudulently using gas, or injuring meters—see the "Gas Clauses Act."                       | 10 Vic. c. 15.                | —                                                                                                             |
| <b>GATE :</b><br>Damaging or destroying—see "Malicious Injuries."<br>Stealing—see "Larceny."                                                                                                                  |                               |                                                                                                               |
| <b>GOOSE :</b><br>Stealing, or injuring with intent to steal (value not exceeding 5s.)                                                                                                                        | 25 & 26 Vic. c. 50, s. 8.     | Penalty not exceeding 20s., or imprisonment not exceeding 2 weeks.<br>1 J.                                    |
| <b>GRAIN :</b><br>Frauds in sale of—see "Frauds in sale of Provisions."                                                                                                                                       |                               |                                                                                                               |
| <b>GRAND JURY ACT,</b> . . . . .                                                                                                                                                                              | 6 & 7 Wm. iv. c. 116.         | —                                                                                                             |
| Grand Jury Amendment Act, . . .                                                                                                                                                                               | 19 & 20 Vic. c. 63.           | —                                                                                                             |
| Grand Jury Cess recoverable under .                                                                                                                                                                           | 6 & 7 Wm. iv. c. 116, s. 152. | Before Justices in Petty Sessions. 1 J.                                                                       |
| Hindering applotter entering on lands for purpose of making applotment.                                                                                                                                       | 5 & 6 Vic. c. 77, s. 10.      | Penalty £5, by distress; in default, imprisonment, 3 months. 1 J.                                             |
| Treasurer to applot according to last rate made under Poor Relief Act; publish notice, &c.; for neglect, or refusing extracts to be taken, or refusal to furnish extracts on tender made of the fees therein— | 6 & 7 Vic. c. 32, s. 5.       | Penalty not exceeding £5, recoverable by distress. 2 J.                                                       |

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Statute.                                                                                                       | Extent of Jurisdiction.                                                                                                                                                                                                                                                                                                                                                                       |
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| <b>GRAND JURY ACT—continued.</b><br>Personal service of notice requiring payment of Grand Jury Cess, to be deemed good service, without prejudice to other remedies provided by law.<br>See also "Roads."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 19 & 20 Vic.<br>c. 68, s. 15.                                                                                  | —                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>GREENHOUSE:</b><br>Destroying plants, &c., in—see "Malicious Injuries."<br>Stealing—see "Larceny."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>GUN:</b><br>Discharging on public road, or within 60 feet of the centre, or in any street.<br><br>Setting spring-guns.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 14 & 15 Vic.<br>c. 92, s. 10.<br><br>24 & 25 Vic.<br>c. 100, s. 81.                                            | Penalty not exceeding 10s.; in default, &c., imprisonment not exceeding 14 days. 1 J.<br><br>Indictable.                                                                                                                                                                                                                                                                                      |
| <b>GUNPOWDER:</b><br>Act sets out regulations for making gunpowder, percussion caps, &c.<br>Making loaded percussion caps; making or keeping ammunition contrary to Act.<br><br>Selling fireworks without licence, or to persons apparently under 16 years.<br><br>Throwing fireworks on thoroughfares, Section 18 limits the quantity to be kept by others than manufacturers.<br>Smoking on board vessel laden with, except as therein, or having or using matches, &c.<br>Undue delay in loading or unloading.<br><br>Power to Justices to issue warrants to search for gunpowder suspected to be made or kept contrary to Act.<br>Repeals 9 & 10 Wm. iii., c. 7; 5 Geo. ii., c. 12 (I.); 12 Geo. iii., c. 61.<br>Not to affect or repeal Local Police Acts. | 23 & 24 Vic.<br>c. 189.<br>s. 7.<br><br>s. 8.<br><br>s. 9.<br>s. 18.<br><br>s. 22.<br><br>s. 23.<br><br>s. 25. | —<br><br>Forfeiture and penalty not exceeding £10, by distress; in default, &c., imprisonment not exceeding (by Petty Sessions scale) 3 months. 2 J.<br><br>Penalty not exceeding £5; recoverable as above. 2 J.<br>Like. 2 J.<br>—<br>Like. 2 J.<br><br>Penalty not exceeding £10, recoverable as above. 2 J.<br>Extended to other explosive compositions by 25 & 26 Vic., c. 98, s. 1. 1 J. |

| Offence, or cause of Complaint.                                                                                                                                                                | Statute.                      | Extent of Jurisdiction.                                                                                                 |
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| <b>GUNPOWDER—continued.</b>                                                                                                                                                                    |                               |                                                                                                                         |
| The foregoing Act amended by the                                                                                                                                                               | 24 & 25 Vic.<br>c. 180.       | —                                                                                                                       |
| Powers of granting licences to dealers in gunpowder transferred to Justices in Petty Sessions, who shall hold special Petty Sessions for the purpose.                                          | a. 1.                         | —                                                                                                                       |
| Justices with the sanction of one of the Principal Secretaries of State, may regulate the mode in which applications for licences shall be made, and fix the scale of fees in respect to them. | 24 & 25 Vic.<br>c. 100, s. 2. | —                                                                                                                       |
| Provides that section 18 of the first Act shall apply to manufactures of safety fuzes.                                                                                                         | a. 4.                         | —                                                                                                                       |
| <b>HACKNEY CARS:</b>                                                                                                                                                                           |                               |                                                                                                                         |
| See "Towns' Improvement Act,"                                                                                                                                                                  | 17 & 18 Vic.<br>c. 103.       | Justice may enforce payment of hack-car fare as a penalty, by distress or imprisonment. 10 & 11 Vic. c. 89, s. 66. 1 J. |
| "Police Clauses' Act,"                                                                                                                                                                         | 10 & 11 Vic.<br>c. 89.        |                                                                                                                         |
| In towns where these Acts are in force, and the "Bye-Laws" regulating fares.                                                                                                                   |                               |                                                                                                                         |
| <b>HARD LABOUR:</b>                                                                                                                                                                            |                               |                                                                                                                         |
| In offence cases, where the Act authorizes Justices to order imprisonment, they may order it to be with or without hard labour, as they shall see fit.                                         | 14 & 15 Vic.<br>c. 93, s. 22. | —                                                                                                                       |
| <b>HARE:</b>                                                                                                                                                                                   |                               |                                                                                                                         |
| Taking or killing hares or rabbits in a warren in the night time.                                                                                                                              | 24 & 25 Vic.<br>c. 96, s. 17. | Indictable misdemeanor.                                                                                                 |
| The like in the day-time.<br>See also "Game."                                                                                                                                                  | s. 17.                        | Forfeiture not exceeding £5; in default, &c., imprisonment not exceeding 2 months. 1 J.                                 |
| <b>HEALTH (ACT):</b>                                                                                                                                                                           |                               |                                                                                                                         |
| See "Public Health."                                                                                                                                                                           | "                             |                                                                                                                         |

| Offence, or cause of Complaint.                                                                                                                                                                                                                            | Statute.                                                                 | Extent of Jurisdiction.                                                                                                                                                               |
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| <b>HEDGES :</b><br>Surveyor or contractor, by ten days' notice, may require owners of land to prune hedges or trees injurious to road, between 30 September and 1 March.<br>See " Roads."                                                                  | 14 & 15 Vic. c. 92, s. 9.                                                | Justice may order that the person liable shall do the work ; in default, that contractor may do it, and Justice may issue warrant of distress for the expense. 1 J.                   |
| <b>HORSE :</b><br>Turning loose on roads or streets.<br><br>Exposing for show or hire in roads or streets, except in fairs or lawfully appointed places.<br><br>For regulations to be observed in places used for slaughtering horses —see " Knacker," and | 14 & 15 Vic. c. 92, s. 10.<br><br>"<br><br>12 & 13 Vic. c. 92, ss. 7-10. | Penalty not exceeding 10s. ; in default, &c., imprisonment not exceeding 14 days. 1 J.<br>Penalty not exceeding 40s. ; in default, &c., imprisonment not exceeding 1 month. 1 J.<br>— |
| <b>HOT HOUSE :</b><br>Stealing plants, &c., in —see " Larcany."                                                                                                                                                                                            |                                                                          |                                                                                                                                                                                       |
| <b>HOUSES :</b><br>Building within 30 feet of centre of road, except in streets of corporate or market towns, or where house now stands.                                                                                                                   | 14 & 15 Vic. c. 92, s. 9.                                                | Penalty not exceeding £10 ; in default, &c., imprisonment not exceeding 3 months ; and also 10s. a week until removed. 1 J.                                                           |
| <b>HUSBAND :</b><br>Deserting wife or child so as that they become destitute, and receive Poor Law relief in or out of Workhouse. See " Poor Law."                                                                                                         | 10 & 11 Vic. c. 84, s. 2.                                                | Imprisonment not exceeding 3 months H. L. 1 J.                                                                                                                                        |
| <b>ICE :</b><br>Making slides on ice or snow on roads or streets.                                                                                                                                                                                          | 14 & 15 Vic. c. 92, s. 10.                                               | Penalty not exceeding 10s. ; in default, &c., imprisonment not exceeding 14 days. 1 J.                                                                                                |
| <b>ILLICIT DISTILLATION :</b><br>See " Excise."                                                                                                                                                                                                            |                                                                          |                                                                                                                                                                                       |
| <b>IMPOUNDING :</b><br>See " Pound."                                                                                                                                                                                                                       |                                                                          |                                                                                                                                                                                       |

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                       | Statute.                                                                                                            | Extent of Jurisdiction.                                                                                                                                                                                                                           |
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| <b>IMPRISONMENT :</b><br>In offence cases may be with or without H.L., as Justices may see fit.<br>May order, in second offence, that it commence on expiration of the first.<br>General scale of imprisonment in proportion to penalty.<br>Under Larceny Act.<br><br>Malicious Injuries Act.<br><br>See "Scale," &c. | 14 & 15 Vic.<br>c. 93, s. 22.<br>"<br>s. 23.<br><br>24 & 25 Vic.<br>c. 96, s. 107.<br>24 & 25 Vic.<br>c. 97, s. 65. | —<br>—<br>—<br>—<br>—                                                                                                                                                                                                                             |
| <b>INCOME TAX :</b>                                                                                                                                                                                                                                                                                                   | 16 & 17 Vic.<br>c. 84, s. 17.                                                                                       | Recoverable in Petty Sessions before 1 J.                                                                                                                                                                                                         |
| <b>INDECENT CONDUCT (in Streets, &amp;c.):</b><br>Every person who wilfully and indecently exposes his person, or commits any act contrary to public decency—see "Towns' Improvement Act,"<br>Like offence under the "Police Clauses' Act."*<br>And see "Nuisance," indictable offences.                              | 17 & 18 Vic.<br>c. 103, s. 82.<br><br>10 & 11 Vic.<br>c. 89, s. 28.                                                 | Penalty not exceeding 40s.; in default, &c., imprisonment not exceeding 3 months. 1 J.<br><br>Penalty not exceeding 40s., or 14 days' imprisonment. 1 J.<br>The Justice should first ascertain which Act, if either, be in force in his district. |
| <b>INJURY (to Property):</b><br>See "Malicious Injuries."<br>To the Person—see "Assault."                                                                                                                                                                                                                             |                                                                                                                     |                                                                                                                                                                                                                                                   |
| <b>INOCULATION :</b><br>Persons inoculating or producing small-pox.                                                                                                                                                                                                                                                   | 3 & 4 Vic.<br>c. 29, s. 8.                                                                                          | Imprisonment not exceeding 1 month. 2 J.                                                                                                                                                                                                          |
| <b>INQUEST :</b><br>In the absence of the Coroner, if a dead body be found, and in case no inquest shall be held on it within two days—                                                                                                                                                                               | 9 & 10 Vic.<br>c. 37, s. 14.                                                                                        | Justices of the district can hold such inquest and do all other acts which the coroner is empowered to do. 2 J.                                                                                                                                   |

\* *Indecency* in public, by exposing the naked person, is an indictable misdemeanor at Common Law, punishable by fine or imprisonment, or both. Bathing in an indecent manner near a highway, or where a man can be distinctly seen from neighbouring houses, is indictable.

| Offence, or cause of Complaint.                                                                                                                                                                                                                       | Statute.                                         | Extent of Jurisdiction.                                                                                                                                               |
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| <b>INQUEST—continued.</b><br>For duties of the Constabulary, mode of holding the inquest, taking the evidence, fining for non-attendance, granting expenses, &c., see the Act.<br>And for expenses allowed, see Schedule C to Act.                    |                                                  |                                                                                                                                                                       |
| <b>INSULTING (<i>Magistrate</i>):</b><br>See "Contempt."                                                                                                                                                                                              |                                                  |                                                                                                                                                                       |
| <b>JOURNEYMAN:</b><br>Wilfully spoiling goods or work committed to his care.<br>See "Malicious Injuries."<br>Unlawfully disposing or retaining possession of work or materials committed to his care (under value of £5) without consent of employer. | 25 & 26 Vic.<br>c. 50, s. 7.                     | Reasonable compensation, and fine not exceeding 40s., or to be imprisoned not exceeding 1 month. 1 J.                                                                 |
| <b>JURISDICTION:</b><br>General Jurisdiction of Justices in offence cases.                                                                                                                                                                            | 14 & 15 Vic.<br>c. 98, ss. 7<br>and 10.          | —                                                                                                                                                                     |
| <b>JUSTICES (<i>Protection Act</i>), . . .</b>                                                                                                                                                                                                        | 12 Vic. c. 16.                                   | See Appendix.                                                                                                                                                         |
| <b>JUVENILE OFFENDERS:</b><br>Persons not exceeding 14 years of age, who shall commit, or attempt to commit, or aid or abet in the commission of offence of simple larceny. See "Larceny" and "Reformatory."                                          | 14 & 15 Vic.<br>c. 92, s. 6.<br>(25 Vic. c. 18.) | Penalty not exceeding £8, or imprisonment not exceeding 3 months; and, if a male, may be once privately whipped (strokes not to exceed 12, with a birch rod).<br>1 J. |
| <b>KITE:</b><br>Flying on road or street to the danger of passengers.                                                                                                                                                                                 | 14 & 15 Vic.<br>c. 92, s. 10.                    | Penalty not exceeding 10s.; in default, &c. imprisonment not exceeding 14 days. 1 J.                                                                                  |
| <b>KNACKER:</b><br>Persons keeping place for the slaughter of horses or other cattle, neglecting or refusing to affix names over doors.                                                                                                               | 12 & 13 Vic.<br>c. 92, s. 7.                     | Penalty not exceeding £5 a-day; in default, &c., imprisonment not exceeding 2 months.<br>1 J.                                                                         |

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                         | Statute.                   | Extent of Jurisdiction.                                                                                                                                                                             |
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| <b>KNACKER—continued.</b><br>Horses or cattle brought to be slaughtered (not intended for butchers' meat), to have the hair cut off the neck and killed within three days; meantime to be supplied with wholesome food and water. For neglect—<br>For offence of using or employing cattle so brought to be slaughtered.                                | 12 & 13 Vic. c. 92, s. 8.  | Penalty not exceeding £5; in default, &c., imprisonment not exceeding 2 months. 1 J.                                                                                                                |
| Neglecting to enter full and correct description of cattle so brought to be slaughtered in a book.<br>(Two Justices, or one Metropolitan Police Magistrate, may, if they or he think fit, commit offender for 3 months, without pecuniary penalty).                                                                                                     | s. 9.                      | Penalty not exceeding 40s. a-day; in default, &c., imprisonment not exceeding 2 months. 1 J.                                                                                                        |
|                                                                                                                                                                                                                                                                                                                                                         | s. 10.                     | Penalty not exceeding 40s.; in default, &c., imprisonment not exceeding 2 months. 1 J.                                                                                                              |
| <b>LABOURER:</b><br>See "Master and Servant."                                                                                                                                                                                                                                                                                                           |                            |                                                                                                                                                                                                     |
| <b>LAMB (stolen):</b><br>Found in possession, or the head, skin, fleece, or any part thereof, and not satisfactorily accounted for.                                                                                                                                                                                                                     | 25 & 26 Vic. c. 50, s. 6.  | Imprisonment not exceeding 3 months, or fine not exceeding £5. 1 J.                                                                                                                                 |
| <b>LANDLORD AND TENANT:</b><br><i>Small Tenements.</i> —House, or part of a house, in any city, town, borough, or village, in which any fair, or market is usually held, the term not exceeding 1 month, rent not exceeding at rate of £1 a month, where the term shall have ended or be duly determined by a legal notice to quit, where the tenant or | 14 & 15 Vic. c. 92, s. 15. | Upon proof of summons being served personally, or left at his usual abode, <i>four clear days</i> before hearing, or where such service cannot be effected, then by posting on the premises; unless |

"Legal Notice to Quit."—It is usual in case of a monthly tenancy to give a month's notice, and of a weekly, a week's notice; it may be written or printed, although it has been decided that a verbal notice is sufficient; however, these same authorities recommend the written notice as most advisable and prudent. The words of the section are:—"Where the term shall have ended, or be *duly determined by a legal notice to quit.*" The wording of the section in the Civil Bill Act is different, it reads:—"Where the interest had determined and that notice to quit (in cases where such notice is by law necessary) had been duly served."—14 & 15 Vic., c. 57, s. 72.

The notice should be signed by the landlord, or by his agent, duly authorized. The

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Statute.                                   | Extent of Jurisdiction.                                                                                                                                                                                                |
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| <p><b>LANDLORD AND TENANT</b>—<i>con.</i> occupier refuses to give up possession, the landlord, his agent, or receiver, may cause summons to issue to show cause why possession shall not be delivered up.</p> <p>Warrant not to be executed on Sunday, Good Friday, or Christmas day, nor at any time except between 9 A.M. and 4 P.M.</p> <p>If party summoned undertakes to deliver up possession and pay arrears of rent in fourteen days, no warrant to issue till the expiration of that period.</p> <p><i>Cottier Tenants.</i>—Tenements consisting of dwelling-house or cottage, without land, or with land not exceeding half an acre, rent not exceeding at the rate of £5 a year for 1 month, or from month to month, or lesser period and held under written agreement, and landlord undertaking to keep same in repair, such to be deemed a cottier tenancy within meaning of Act.</p> | <p>23 &amp; 24 Vic.<br/>c. 154, s. 81.</p> | <p>cause be shown, Justices may, upon proof of the holding, and termination of the tenancy, issue warrant to give up possession in not less than 7 nor more than 10 clear days from date of warrant. 1 J.</p> <p>—</p> |

relation of landlord and tenant subsists up to the expiration of the notice, and the landlord may demand and accept rent up to that date, but acceptance of rent which accrues afterwards, will be a waiver of the notice.

A demand of possession on the day on which is stated that the demise is determined is premature.—By Serjeant Greene: *Griffith v. Boland, Irish, C. C.*, 470. The demand ought therefore be made on the day following.

*The Warrant* is supposed to be signed on the day the order is made. If order made and warrant dated on the 1st, it cannot be executed before the 9th; if that be a Sunday, &c., then on the 10th, or any day up to the 12th. Where the tenant overholds after the fourteen days, contrary to his *undertaking*, the warrant may be issued and executed forthwith.

*The Jurisdiction.*—The Justices should see clearly that as regards *locality, nature of the tenure, and rent*, they have jurisdiction. A letting at 5s. a-week is not within the jurisdiction; that would exceed £1 a-month. Month means calendar month (see the interpretation clause). As regards “cottier tenants,” it is necessary to ascertain that the letting is of the nature prescribed by that particular statute.



| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                         | Statute.                               | Extent of Jurisdiction.                                                                                                                                                                                |
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| <p><b>LANDLORD AND TENANT—con.</b><br/> <i>Injuring Premises, &amp;c.</i> — Cottier tenant, or any tenant for shorter period than 1 month, or at will, or by sufferance, wilfully injuring or permitting to be injured or destroyed any part of the premises which the landlord is bound to keep in repair. On proof thereof—</p>                                                                                                       | <p>23 &amp; 24 Vic. c. 154, s. 84.</p> | <p>Justices in Petty Sessions shall issue warrant, directing to special bailiff, to deliver up possession to the landlord or owner. 1 J.</p>                                                           |
| <p><i>Rent in Arrear.</i>—Cottier tenant in arrear for one clear gale of rent for the space of forty days, on being summoned before Justices—</p>                                                                                                                                                                                                                                                                                       | <p>s. 85.</p>                          | <p>May be summarily evicted, warrant to issue as above. 2 J.</p>                                                                                                                                       |
| <p><i>Tenancy ended.</i> — Cottier tenancy ended, or determined by notice to quit, may be summarily evicted.</p>                                                                                                                                                                                                                                                                                                                        | <p>s. 86.</p>                          | <p>Warrant (to special bailiff) to give up possession in not less than 7 nor more than 14 clear days. 2 J.</p>                                                                                         |
| <p>Stay of execution of warrant on undertaking to give up possession in fourteen days, and to pay all rent and arrears.</p>                                                                                                                                                                                                                                                                                                             | <p>s. 88.</p>                          | <p>—</p>                                                                                                                                                                                               |
| <p><i>Caretakers, &amp;c.*</i>—In case any person be put into possession of any lands or premises by permission of the owner, as servant, herdsman, or caretaker, and shall refuse or omit to quit or give up possession on demand made by owner, his agent, or receiver, he may, at instance of owner, &amp;c., be summoned to appear before two or more Justices at Petty Sessions. (Summons to be served 4 clear days, sec. 87.)</p> | <p>s. 86.</p>                          | <p>Upon proof of such permissive possession Justices to issue warrant to special bailiff to give up possession in not less than 7 nor more than 14 clear days, unless reasonable cause shown. 2 J.</p> |
| <p>Not to affect owner's right peaceably to resume possession without process of law, if he think fit, sec. 86.</p> <p><i>Waste.</i>—Where affidavit is made before Justice by landlord, owner, &amp;c., or his agent, that there exists probable and just grounds of suspicion that any tenant, servant, caretaker, or other person, who</p>                                                                                           | <p>s. 85.</p>                          | <p>Justice to issue precept in form in Schedule A to the Act, to discontinue the waste until the matter of the information be inquired</p>                                                             |

The Constabulary execute the warrants under 14 & 15 Vic., c. 92. Under the 23 & 24 Vic., c. 154, they are executed by special bailiffs.

\* Previous to this Act the Magistrates in Petty Sessions had no power to restore to the owner premises in the possession of *permissive* occupants, &c.; they should be evicted at Quarter Sessions under 14 & 15 Vic., c. 57, s. 82.

Notice to quit not necessary in the case of caretakers, &c.

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Statute.                               | Extent of Jurisdiction.                                                                                                                               |
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| <p><b>LANDLORD AND TENANT</b>—<i>con.</i> has obtained possession from any such tenant, &amp;c., is about to commit or permit unlawful waste, injury, alteration, destruction upon, or removal from any such dwelling-house, out-house, or other building, or unlawfully to burn, break up, or remove the soil or sub-soil of the lands, unlawfully to cut, lop, or grub trees, woods, or underwoods, or otherwise to use or misuse the premises contrary to agreement, or that he is in the act of doing any such—</p> |                                        | <p>into at the next Petty Sessions of the district.<br/>1 J.<br/>To be served in person, or posted as directed in the section.</p>                    |
| <p>In disobedience to such precept, continuing to do any act prohibited thereby, or wilfully aiding, abetting, or assisting in so doing; on conviction—</p>                                                                                                                                                                                                                                                                                                                                                             | <p>23 &amp; 24 Vic. c. 154, s. 36.</p> | <p>Imprisonment not exceeding 1 month; proceedings as in Petty Sessions (Ireland) Act.<br/>2 J.</p>                                                   |
| <p>Superior Courts, Judges of Assize, or Chairman of the County, may, on summary application of party aggrieved, by precept, order, or conviction, annul or vary same.</p>                                                                                                                                                                                                                                                                                                                                              | <p>s. 37.</p>                          | <p>—</p>                                                                                                                                              |
| <p>Landlord may enter to inspect waste.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <p>s. 38.</p>                          | <p>—</p>                                                                                                                                              |
| <p>Nothing in Act to deprive landlord, owner, &amp;c., of ordinary civil remedies.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                  | <p>s. 39.</p>                          | <p>—</p>                                                                                                                                              |
| <p>Act provides penalties, recoverable by civil bill, for burning the land, cutting or lopping trees, &amp;c., without authority.</p>                                                                                                                                                                                                                                                                                                                                                                                   | <p>ss. 30, 31.</p>                     | <p>—</p>                                                                                                                                              |
| <p><i>Deserted Premises.</i>—Where premises are deserted, or the lands uncultivated, &amp;c., or stock or crop removed, at request of landlord or agent—</p>                                                                                                                                                                                                                                                                                                                                                            | <p>s. 79.</p>                          | <p>Two Justices may view the premises between 10 A.M., and 4 P.M., and give certificate as in schedule to Act.<br/>2 J.<br/>See form in Appendix.</p> |

All former Acts giving Justices in Petty Sessions summary power to enforce penalties for "burning land," are by the above Act, 23 & 24 Vic. c. 154, repealed.

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                     | Statute.                                                         | Extent of Jurisdiction.                                                                                                                                                                                                                                                               |
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| <p><b>LARCENY:</b><br/> <i>Juvenile Offenders.</i> — Any person (whose age at the time of the commission of the offence shall not, in the opinion of the Justices, exceed 14 years), who shall commit or attempt to commit, or aid or abet in the commission of offence of simple larceny, or punishable as simple larceny. The section allows the Justice to judge of the age.</p> | <p>14 &amp; 15 Vic. c. 92, s. 6. (25 Vic. c. 18, s. 1).</p>      | <p>Penalty not exceeding £3, or imprisonment not exceeding 3 months; and, if a male, may be once privately whipped—Justice to name the number of strokes, not exceeding 12, with a birch rod.<br/> 1 J.<br/> The whipping may be instead of, or in addition to the imprisonment.*</p> |
| <p>Parent or next friend may object to summary adjudication; or if the Justices be of opinion (before the accused shall have made his defence), that it is a fit case to be tried by indictment, they shall send it for trial accordingly. The Justices may, if they think fit, dismiss offender, with or without sureties.</p>                                                     | <p>25 Vic. c. 18, s. 1.</p>                                      | <p>It is only in cases of convictions for larceny, under this Act, that the Justices are empowered to send offender to a reformatory. See "Reformatory."</p>                                                                                                                          |
| <p>Persons not exceeding 16 years of age, convicted of similar offence.†</p>                                                                                                                                                                                                                                                                                                        | <p>11 &amp; 12 Vic. c. 59, s. 1, and 13 &amp; 14 Vic. c. 37.</p> | <p>Imprisonment not exceeding 3 months H. L.; or, if Justices think fit, to pay a penalty not exceeding £3 (not liable to punishment of whipping.) 2 J.</p>                                                                                                                           |

Larceny is the fraudulent taking and carrying away by one person, of the personal goods of another, from any place, with intent to convert them to the taker's own use, without the owner's consent. This is *simple larceny*. It is termed *compound* when attended by aggravating circumstances, and to which a higher degree of punishment attaches—as larceny from the person, larceny by clerk or servant, or larceny from one's dwelling-house; and when a taking from the person is accompanied by violence or threats, it is robbery.

For the *taking*, or as the lawyers term it the *asportavit*, any removal is sufficient or the removal of any part, however small. Nor need the taking be by the hand of the party himself; it may be done through another, as by employing an infant who has not attained the age of discretion to do the act. But there are wrongful *takings* which are not larceny, not being taken with a felonious intent; as where an article of husbandry lying in a field, may be taken, used, and returned; this is merely a trespass. So if the goods are taken under a *bona fide* claim of right, it is not larceny.

\* The whipping of females is abolished by the 1 Geo. iv., c. 57. The 25 Vic., c. 18, limits the number of strokes, and the instrument to be used.

† Doubts exist as to whether or not this Act is repealed. The 13 & 14 Vic., c. 37,

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Statute.                                                      | Extent of Jurisdiction.                                                                                                                                                                                                                                                                                                                                        |
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| <p><b>LARCENY—continued.</b><br/> <b>UNDER CRIMINAL JUSTICE ACT.</b><br/>           Committing simple larceny (the value of the whole of the property alleged to have been stolen, not exceeding in the judgment of the Justices, 5s.); or attempting to commit larceny from the person, or simple larceny, provided the accused consents to be tried summarily, or that he pleads guilty, unless the Justices, from the fact of a previous conviction, or from any other circumstance, think it a fit case to be prosecuted by indictment—<br/>           Justices to ask the accused whether he consents to the charge being summarily determined.</p> | <p>18 &amp; 19 Vic.<br/>           c. 126, ss. 1 &amp; 2.</p> | <p>Imprisonment, with or without H. L., not exceeding 3 months. 2 J.<br/>           (Or one Stipendiary Magistrate specially appointed.)<br/>           If Justices be of opinion that there are circumstances in the case which render it inexpedient to inflict any punishment, they may dismiss the person charged, without proceeding to a conviction.</p> |

extended the English Act, 10 & 11 Vic., c. 82, and the Irish Act, 11 & 12 Vic., c. 59, to persons whose ages did not exceed 16 years. The 13 & 14 Vic., c. 102, repeals the 11 & 12 Vic., c. 59, but does not refer to the extending Act, 13 & 14 Vic., c. 37. Again, the 14 & 15 Vic., c. 92, repeals the 13 & 14 Vic., c. 102, except so far as it repeals other Acts, but all leave the 13 & 14 Vic., c. 37, untouched. The Criminal Justice Act, 18 & 19 Vic., c. 126, which applies to England and Ireland, enacts (sec. 17), that nothing therein contained shall affect the provisions of the 10 & 11 Vic., c. 82, (the English Act), and 13 & 14 Vic., c. 37. The question is, whether it is not safer (as it is not forbidden) to proceed under the Criminal Justice Act, 18 & 19 Vic. c. 126.

\* Sec. 2.—“Where the Justices before whom any person is charged as aforesaid, propose to dispose of the case summarily under the foregoing provisions, one of such Justices, after the examination of all the witnesses for the prosecution have been completed, and before calling upon the person charged for any statement which he may wish to make, shall state to such person the substance of the charge against him, and shall then say to him these words, or words to the like effect: ‘Do you consent that the charge against you shall be tried by us, or do you desire that it shall be sent for trial by a Jury at the Sessions, or Assizes?’ (as the case may be); and if the person charged shall consent to the charge being summarily tried and determined, as aforesaid, then the Justices shall reduce the charge into writing, and read the same to such person, and shall then ask him whether he is guilty or not of such charge; and if such person shall say that he is guilty, the Justices shall then proceed to pass such sentence upon him as may by law be passed, subject to the provisions of this Act in respect to such offence; but if the person charged shall say that he is not guilty, the Justices shall then inquire of such person, whether he has any defence to make to such charge, and if he shall state that he has a defence, the Justices shall hear such defence, and then proceed to dispose of the case summarily.”

It will be observed that the Justices are not to ask the accused either to consent to summary adjudication, or to plead to the charge, until evidence of the offence be first taken. This a learned critic terms, “one of the eccentric provisions of this blundering statute.” That it is “taking the plea in the middle of the trial,” and suggests that the

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                          | Statute.                                             | Extent of Jurisdiction.                                                                                                                                                                         |
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| <p>LARCENY—<i>continued.</i><br/>           UNDER CRIMINAL JUSTICE ACT—<i>con.</i><br/>           Simple larceny (the property alleged to have been stolen exceeding 5s. in value), or stealing from the person, or larceny as a clerk or servant, where the accused pleads guilty.*</p> | <p>18 &amp; 19 Vic.<br/>           c. 126, s. 3.</p> | <p>Imprisonment, with or without H. L., not exceeding 6 months; or if Justices think fit, may return informations to Quarter Sessions. 2 J.<br/>           (Or one Stipendiary Magistrate.)</p> |
| <p>Justices to warn accused that he is not obliged to plead.</p>                                                                                                                                                                                                                         | <p>s. 3.</p>                                         | <p>—</p>                                                                                                                                                                                        |

*charge* should be reduced to writing before the case is heard; and contrasts the proceedings in these particulars with the course pursued at Quarter Sessions. While it is the object of this work merely to deal with things as they are, and not as they should be, it may be answered that experience proves the course prescribed to be not only just and reasonable, but also the most practicable; the *charge*, in its technical form, can alone be properly framed from the facts given in evidence. The accused should not be asked to plead until some evidence of an offence has been given; at the Assizes and Sessions a bill is found on evidence before the prisoner is called on to plead. The Magistrates and the Officer of the Court, on whom, in great measure, the onerous duty devolves, would do well to closely examine and follow all the requirements of this carefully and cautiously prepared statute, more particularly sections 1, 2, & 3. It is perhaps a very great stretch of the constitution to confer upon one or two Magistrates in Petty Sessions the power to summarily try and determine a charge of *felony*; but as the power is conferred, the conditions attached should in no case be set aside or trifled with, and if a choice must be made, it were better for society that the offender should go unpunished, than that the constitutional bounds be transgressed to overtake him.—H.H.

\* Sec. 3.—“Where any person is charged before any Justices, at such Petty Sessions as aforesaid, with simple larceny (the property alleged to have been stolen, exceeding in value 5s.), or stealing from the person, or larceny as a clerk or servant, and the evidence, when the case on the part of the prosecution has been completed, is, in the opinion of such Justices, sufficient to put the person charged on his trial for the offence with which he is charged; such Justices, if the case appear to them to be one which may properly be disposed of in a summary way, and may be adequately punished by virtue of the powers of this Act, shall reduce the charge into writing, and shall read it to the said person, and shall then ask him whether he is guilty or not of the charge; and if such person shall say that he is guilty, such Justices shall thereupon cause a plea of guilty to be entered upon the proceedings, and shall convict him of such offence, and commit him to the common gaol or house of correction, there to be imprisoned, with or without hard labour, for any term not exceeding 6 calendar months; and every such conviction shall be in the Form (C) in the Schedule to this Act, or to the like effect: provided always that the said Justices, before they ask such person whether he is guilty or not, shall explain to him that he is not obliged to plead or answer before them at all, and that if he do not plead or answer before them, he will be committed for trial in the usual course.”

| Offence, or cause of Complaint.                                                           | Statute.                      | Extent of Jurisdiction. |
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| <b>LARCENY—continued.</b>                                                                 |                               |                         |
| UNDER CRIMINAL JUSTICE ACT—<br>Persons accused may have assistance<br>of counsel, &c.     | 18 & 19 Vic.<br>c. 126, s. 4. | —                       |
| Power to remand to next Petty Sessions.                                                   | s. 5.                         | —                       |
| Convictions and proceedings to be<br>returned to Quarter Sessions.                        | s. 7.                         | —                       |
| Justices may order restitution of<br>property stolen, or obtained by<br>false pretences.* | s. 8.                         | —                       |

\* *Larceny and False Pretences.*—Sec. 8, which empowers the Justices, on conviction, to order restitution of the property stolen, taken, or obtained by false pretences, &c., may have the effect of misleading; it is the first mention of *False Pretences* in the Act, and they have not power to deal with this offence, which is an indictable misdemeanour; see 24 & 25 Vic., c. 96, s. 88. There is a distinction between larceny and obtaining goods by false pretences, but the line in some instances is so slender as to be merely "length without breadth." Larceny is the wrongful taking from a person *against his will*; and yet if a shopkeeper permits a person to take a piece of goods outside his door, under pretence of taking it to the light to examine the quality, and he runs off with it, although he obtained possession of the property with the will of the owner, yet the purpose for which the owner passed it being different from that in which the prisoner received it, the offence is larceny. Out of the numerous decisions, showing the difference between false pretence, or swindling and larceny, the following may be taken as a summary:—"In the one case the proprietor has agreed to transfer the property, and therefore he has been only *imposed upon* in the transaction; and in the other he has never agreed to part with his property, and therefore the subsequent appropriation is theft."—*Alison*.

The following is conceived to be a ready and useful definition of a felonious taking: "The taking and carrying away are felonious, where the goods are taken against the will of the owner, either in his absence or in a clandestine manner; or where possession is obtained either by force or surprise, or by any device or fraudulent expedient, the owner not voluntarily parting with his entire interest in the goods, and where the taker intends, in any such case, fraudulently to deprive the owner of his entire interest in the property against his will."—*Crim. Law Commissioners*.

Forms of conviction and certificate of dismissal are given in the Schedule to the Act.

† *Procedure.*—The 25 & 26 Vic., c. 50, ss. 2 & 3, provides that offences made punishable on summary conviction, under 24 & 25 Vic., c. 96, may be prosecuted before any one Justice in Petty Sessions, or two Justices out of Petty Sessions (where offender shall be unable to procure bail for his appearance at Petty Sessions), and that the mode of compelling appearance of offenders and witnesses, the hearing and determining of complaints, and the making and executing of orders, shall be subject to the provisions of Petty Sessions (Ireland) Act, 1851, as amended by Petty Sessions Clerks (Ireland) Act, 1858, and to the provisions of Act relating to the Divisional Police Offices, when heard in *Dublin* Metropolis.

Appeal allowed to Quarter Sessions, where the sum adjudged to be paid exceeds £5, or the imprisonment exceeds 1 month, or where the conviction takes place before one Justice only, 24 & 25 Vic., c. 96, s. 110.

Convictions to be returned to Quarter Sessions, s. 12. (See General Form of Conviction, Appendix.)

| Offence, or cause of Complaint.                                                                                                                                                                                                                                  | Statute.                                                                    | Extent of Jurisdiction.                                                                                                                                                                                                                                                                                                                                                                                                                            |
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| <p><b>LARCENY—continued.</b><br/> <b>UNDER CRIMINAL JUSTICE ACT—con.</b><br/>           Proceedings under this Act a bar to further proceedings.<br/>           Justices empowered to order expenses of prosecution, by order on the Treasurer.</p>              | <p>18 &amp; 19 Vic.<br/>           c. 126, s. 12.<br/>           s. 14.</p> | <p>—<br/>           —</p>                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <p><b>UNDER LARCENY ACT.</b></p>                                                                                                                                                                                                                                 | <p>24 &amp; 25 Vic.<br/>           c. 96.</p>                               | <p>—</p>                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <p><i>As proceedings are amended by the</i><br/>           (See note, page 104.†)</p>                                                                                                                                                                            | <p>25 &amp; 26 Vic.<br/>           c. 50.</p>                               | <p>—</p>                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <p><i>Deer in unenclosed Ground.</i>—Whosoever shall unlawfully and wilfully course, hunt, snare or carry away, or kill, wound, or attempt, &amp;c., any deer kept, or being in the unenclosed part of any forest, chase, or purlieu.</p>                        | <p>24 &amp; 25 Vic.<br/>           c. 96, s. 12.</p>                        | <p>Shall forfeit and pay a sum not exceeding £50; and in default, &amp;c., to be imprisoned, with or without H. L., not exceeding 6 months. 1 J.</p>                                                                                                                                                                                                                                                                                               |
| <p>If the offence be committed in any enclosed ground.</p>                                                                                                                                                                                                       | <p>s. 13.</p>                                                               | <p>Second offence, felony, triable by indictment.</p>                                                                                                                                                                                                                                                                                                                                                                                              |
| <p>If any deer, or the head, skin, or part thereof, or any snare or engine for taking deer, be found in possession of any person, or on his premises, with his knowledge, and not satisfactorily accounting—</p>                                                 | <p>s. 14.</p>                                                               | <p>Felony, triable by indictment.</p>                                                                                                                                                                                                                                                                                                                                                                                                              |
| <p><i>Setting Snares.</i>—Whosoever shall unlawfully and wilfully set or use any snare or engine whatsoever for the purpose of taking or killing deer in any part of any forest, chase, or purlieu, whether such part be enclosed or not, or in any fence or</p> | <p>24 &amp; 25 Vic.<br/>           c. 96, s. 15.</p>                        | <p>Shall forfeit and pay a sum not exceeding £20; and in default, &amp;c., to be imprisoned, with or without H. L., not exceeding 6 months. 1 J.</p> <p>In case the person cannot be convicted, Justices may summon all persons through whose hands such deer may have passed; and if the person from whom first received, or had possession, shall not satisfactorily account, he shall, on conviction, be liable to the penalty above named.</p> |
| <p><i>Setting Snares.</i>—Whosoever shall unlawfully and wilfully set or use any snare or engine whatsoever for the purpose of taking or killing deer in any part of any forest, chase, or purlieu, whether such part be enclosed or not, or in any fence or</p> | <p>24 &amp; 25 Vic.<br/>           c. 96, s. 15.</p>                        | <p>Shall forfeit and pay a sum not exceeding £20; and in default, &amp;c., to be imprisoned, with or without H.L., not exceeding six months. 1 J.</p>                                                                                                                                                                                                                                                                                              |

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                 | Statute.                   | Extent of Jurisdiction.                                                                                                                                                             |
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| <p><b>LARCENY</b>—<i>under LARCENY ACT</i>—<i>con.</i><br/>bank dividing the same from any land adjoining, or in any enclosed land where deer shall be usually kept, or wilfully destroying the fences, &amp;c.</p>                                                                                                                                                                                             |                            |                                                                                                                                                                                     |
| <p>Beating or wounding keepers in execution of their duty.</p>                                                                                                                                                                                                                                                                                                                                                  | 24 & 25 Vic. c. 96, s. 16. | Felony, triable by indictment.                                                                                                                                                      |
| <p><i>Hares, Rabbits.</i>—Whosoever shall unlawfully and wilfully, between the beginning of the last hour before sunrise and the expiration of the first hour after sunset, take or kill any hare, or rabbit in any warren or ground lawfully used for breeding or keeping same, whether enclosed or not, or shall, at any time, set or use therein any snare or engine for the taking of hares or rabbits—</p> | s. 17.                     | Shall forfeit and pay a sum not exceeding £5; and in default, &c., to be imprisoned, with or without H. L., not exceeding 2 months.<br>1 J.                                         |
| <p><i>Stealing Dogs.</i>—Whosoever shall steal any dog—</p>                                                                                                                                                                                                                                                                                                                                                     | s. 18.                     | Imprisonment, with or without H. L., not exceeding 6 months; or shall forfeit and pay (over and above the value) a sum not exceeding £20. 1 J.                                      |
| <p><i>Possession of Stolen Dogs.</i>—Whosoever shall unlawfully have in his possession or on his premises any stolen dog or the skin of any stolen dog, knowing such to have been stolen—</p>                                                                                                                                                                                                                   | s. 19.                     | If it be a second offence, indictable misdemeanor. Penalty not exceeding £20; and in default of payment, &c., to be imprisoned, with or without H. L., not exceeding 6 months. 1 J. |
| <p>Whosoever shall corruptly take any money or reward, directly or indirectly, under pretence or upon account of aiding any person to recover any dog which shall have been stolen, or which shall be in the possession of any person not being the owner thereof.</p>                                                                                                                                          | s. 20.                     | Second offence, indictable misdemeanor. Indictable misdemeanor.                                                                                                                     |
| <p><i>Stealing Birds, Animals, &amp;c.</i>—Whosoever shall steal any bird, beast, or other animal, ordinarily kept in a state of confinement, or for any domestic purpose, not being the subject of larceny at Common Law, or</p>                                                                                                                                                                               | s. 21.                     | Imprisonment, with or without H. L., not exceeding 6 months; or a penalty (over and above the value) not exceeding £20. 1 J.                                                        |



| Offence, or cause of Complaint.                                                                                                                                                                                                                                            | Statute.                              | Extent of Jurisdiction.                                                                                                                                                                                                                               |
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| <p>LARCENY—<i>under LARCENY ACT—con.</i> shall wilfully kill any such bird, beast, or animal, with intent to steal the same or any part thereof—</p>                                                                                                                       |                                       | <p>If it be a second offence, imprisonment with H. L., not exceeding 12 months. 1 J.</p>                                                                                                                                                              |
| <p><i>Possession of stolen Birds, Animals, &amp;c.</i>—Any person in whose possession or on whose premises such bird or the plumage thereof, or such beast or the skin thereof, or such animal or any part thereof, shall be so found (knowing same to be stolen)—</p>     | <p>24 &amp; 25 Vic. c. 96, s. 22.</p> | <p>Shall be liable for the first offence to such forfeiture, and for every subsequent offence, to such punishment as any person convicted of stealing same is made liable to under the preceding section. 1 J.</p>                                    |
| <p><i>Killing or taking Pigeons.</i>—Whosoever shall unlawfully and wilfully kill, wound, or take any house-dove or pigeon under such circumstances as shall not amount to larceny at Common Law—</p>                                                                      | <p>s. 23.</p>                         | <p>Shall forfeit and pay (over and above the value of the bird) any sum not exceeding £2; and in default, &amp;c., to be imprisoned, with or without H. L., not exceeding 2 months. 1 J.</p>                                                          |
| <p><i>Fish.</i>—Whosoever shall unlawfully and wilfully take or destroy any fish in any water which shall run through or be in any land adjoining or belonging to the dwelling-house of any person being the owner of such water or having a right of fishery therein.</p> | <p>s. 24.</p>                         | <p>Indictable misdemeanor.</p>                                                                                                                                                                                                                        |
| <p>Whosoever shall unlawfully and wilfully take or destroy, or attempt to take or destroy any fish in any water, not being such as hereinbefore mentioned, but which shall be private property, or in which there shall be any private right of fishery—</p>               | <p>"</p>                              | <p>Shall forfeit and pay over and above the value of the fish taken or destroyed (if any) a sum not exceeding £5; and in default &amp;c., to be imprisoned, with or without H. L., not exceeding 2 months, if the amount does not exceed £5. 1 J.</p> |
| <p><i>Provision as to Anglers.</i>—Provided that nothing hereinbefore contained shall extend to any person angling between the beginning of the last hour before sunrise and the expiration of the first hour after sunset.</p>                                            | <p>s. 24.</p>                         | <p>— 1 J.</p>                                                                                                                                                                                                                                         |

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                  | Statute.                   | Extent of Jurisdiction.                                                                                                                                                                                                                  |
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| <p><b>LARCENY—under LARCENY ACT—con.</b><br/>But whosoever shall, by angling between the beginning of the last hour before sunrise and the expiration of the first hour after sunset, unlawfully and wilfully take or destroy, or attempt to take or destroy any fish in any such water as first mentioned—</p>  | 24 & 25 Vic. c. 96, s. 24. | Shall forfeit and pay a sum not exceeding £5; and in default, &c., to be imprisoned, with or without H.L., not exceeding 2 months.<br>1 J.                                                                                               |
| <p>And if in any such water as last mentioned—</p>                                                                                                                                                                                                                                                               | "                          | Shall forfeit and pay any sum not exceeding £2; in default, &c., imprisonment, with or without H.L., not exceeding 2 months. 1 J.                                                                                                        |
| <p><i>Provision as to Boundaries of Parishes, &amp;c.</i>—Where same happen to be in or by the side of any such water as in this section before mentioned, it shall be sufficient to prove that the offence was committed either in the parish named in information, &amp;c., or in any adjoining parish.</p>    | "                          | —                                                                                                                                                                                                                                        |
| <p>The tackle of persons found fishing against the provisions of this Act may be seized; and if seized or given up, to be exempt from penalty for angling.</p>                                                                                                                                                   | s. 25.                     | —                                                                                                                                                                                                                                        |
| <p><i>Trees, Shrubs, &amp;c.</i>—Whosoever shall steal, or shall cut, break, root up, or otherwise destroy or damage, with intent to steal, the whole or any part of any tree, sapling, or shrub, or any underwood wheresoever growing, the stealing or injury done being to the amount of 1s. at the least.</p> | s. 33.                     | Shall forfeit and pay (over and above the value of articles stolen or injury done) a sum not exceeding £5; and in default &c., to be imprisoned, with or without H.L., not exceeding 2 months, if the amount does not exceed £5.<br>1 J. |
| <p><i>Second Offence.</i>—Whosoever having been convicted of any such offence either against this or any former Act of Parliament, shall afterwards commit any of the said offences in this section before mentioned.</p>                                                                                        | "                          | To be imprisoned, with H.L., for not exceeding 12 months.<br>1 J.                                                                                                                                                                        |

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Statute.                      | Extent of Jurisdiction.                                                                                                                                                                                                                                    |
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| <b>LARCENY—under LARCENY ACT—con.</b><br><i>Third Offence,</i>                                                                                                                                                                                                                                                                                                                                                                                                                                       | 24 & 25 Vic.<br>c. 96, s. 33. | Felony, triable by indictment; to be punished as in the case of simple larceny.                                                                                                                                                                            |
| <i>Fence, &amp;c.</i> —Whosoever shall steal, or shall cut, break, or throw down, with intent to steal, any part of any live or dead fence, or any stile or gate, or any part thereof respectively—                                                                                                                                                                                                                                                                                                  | s. 34.                        | Shall forfeit and pay (over and above the value of the articles stolen or the amount of the injury done) any sum not exceeding £5; and in default, &c., to be imprisoned, with or without H. L., not exceeding 2 months, if the amount does not exceed £5. |
| <i>Second Offence.</i> —And whosoever having been convicted of any such offence either against this or any former Act of Parliament, shall afterwards commit any of the said offences in this section before mentioned—                                                                                                                                                                                                                                                                              | "                             | To be imprisoned, and kept to H. L., not exceeding 12 months.                                                                                                                                                                                              |
| <i>Stolen Wood, &amp;c., in possession.</i> —If the whole or any part of any tree, sapling, or shrub, or any underwood, or any part of any live or dead fence, or any post, pale, wire, rail, stile, or gate, or any part thereof (being of the value of 1s. at least), shall be found in possession of any person, or on his premises with his knowledge; and being taken or summoned before a Justice of the Peace, he shall not be able to satisfy the Justice that he came lawfully by the same— | s. 35.                        | Shall forfeit and pay (over and above the value of the articles so found) a sum not exceeding £2; and in default, &c., imprisonment not exceeding 2 months.                                                                                                |
| <i>Stealing Fruit, Vegetables, &amp;c., growing in Gardens, &amp;c.</i> —Whosoever shall steal, or shall destroy or damage, with intent to steal, any plant, root, fruit, or vegetable production growing in any garden, orchard, pleasure ground, nursery ground, hothouse, greenhouse, or conservatory—                                                                                                                                                                                            | s. 36.                        | At the discretion of the Justices, either imprisonment with or without H. L., for any term not exceeding 6 months, or else shall forfeit and pay (over and above the value of the articles stolen or injury done) a sum not exceeding £20.                 |

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Statute.                                  | Extent of Jurisdiction.                                                                                                                                                                                                                                                                                    |
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| <p><b>LARCENY—under LARCENY ACT—con.</b><br/> <i>Second Offence.</i>—Whosoever, having been convicted of any such offence, either against this or any former Act of Parliament, shall afterwards commit any of the said offences in this section before mentioned—<br/> <i>Stealing Vegetables, &amp;c., not growing in Gardens.</i>— Whosoever shall steal, or shall destroy or damage with intent to steal, any cultivated root or plant used for the food of man or beast, or for medicine, or for distilling, or for dyeing, or for or in the course of any manufacture, and growing in any land open or enclosed not being a garden, orchard, pleasure-ground, or nursery-ground—</p> | <p>24 &amp; 25 Vic.<br/>c. 96, s. 36.</p> | <p>Felony: to be punished same as in cases of simple larceny.</p>                                                                                                                                                                                                                                          |
| <p><i>Stealing Vegetables, &amp;c., not growing in Gardens.</i>— Whosoever shall steal, or shall destroy or damage with intent to steal, any cultivated root or plant used for the food of man or beast, or for medicine, or for distilling, or for dyeing, or for or in the course of any manufacture, and growing in any land open or enclosed not being a garden, orchard, pleasure-ground, or nursery-ground—</p>                                                                                                                                                                                                                                                                      | <p>s. 37.</p>                             | <p>Imprisonment, with or without H. L., not exceeding 1 month, or else shall forfeit and pay (over and above the value of the articles stolen or injury done) a sum not exceeding 20s., with costs (if ordered); in default, &amp;c., imprisonment for 1 month, unless payment be sooner made.</p>         |
| <p><i>Second Offence.</i>—Whosoever, having been convicted of any such offence either against this or any former Act of Parliament, shall afterwards commit any of the said offences in this section before mentioned—<br/> <i>Shipwrecked Goods.</i>—If any goods, merchandize, or articles of any kind, belonging to any ship or vessel in distress, or wrecked, &amp;c., shall be found in the possession of any person, or on his premises with his knowledge, and not being able to satisfy the Justices that he came lawfully by the same.</p>                                                                                                                                       | <p>„</p>                                  | <p>Imprisonment, with H. L., not exceeding 6 months. 1 J.</p>                                                                                                                                                                                                                                              |
| <p>If any person offer or expose for sale any goods, &amp;c., so unlawfully taken or suspected so to have been taken from any such ship in distress, &amp;c., the person to whom same offered, or any officer of Customs or Excise, or peace officer, may lawfully seize same, and carry same, or give notice of such seizure to some Justice of</p>                                                                                                                                                                                                                                                                                                                                       | <p>s. 65.</p>                             | <p>At the discretion of the Justices either imprisonment, with or without H. L., for any term not exceeding 6 months, or else shall forfeit and pay over and above the value of the goods, &amp;c., a sum not exceeding £20.<br/> The goods to be delivered to, or for the use of rightful owner. 1 J.</p> |
| <p>If any person offer or expose for sale any goods, &amp;c., so unlawfully taken or suspected so to have been taken from any such ship in distress, &amp;c., the person to whom same offered, or any officer of Customs or Excise, or peace officer, may lawfully seize same, and carry same, or give notice of such seizure to some Justice of</p>                                                                                                                                                                                                                                                                                                                                       | <p>s. 66.</p>                             | <p>Justices to order goods to be forthwith delivered over to or for the use of the rightful owner, upon payment of a reasonable reward (to be ascertained by the Justices) to the person who seized same;</p>                                                                                              |

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                 | Statute.                              | Extent of Jurisdiction.                                                                                                                                                                                                                                                            |
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| <p><b>LARCENY—under LARCENY ACT—con.</b><br/>the Peace; and if the person who shall have offered or exposed same for sale, being summoned, shall not appear and satisfy the Justice that he came lawfully by same.</p>                                                                          |                                       | <p>and the offender, at the discretion of the Justices, to be imprisoned, with or without H.L., for any term not exceeding 6 months, or to pay (over and above the value of the goods) a sum not exceeding £20. 1 J.</p>                                                           |
| <p><i>Receivers.</i>—Where the stealing or taking of any property whatsoever is by this Act punishable on summary conviction, either for every offence or for the first and second offence only, any person who shall receive any such property, knowing the same to be unlawfully come by—</p> | <p>24 &amp; 25 Vic. c. 96, s. 97.</p> | <p>Shall be liable for every first, second, or subsequent offence of receiving, to the same forfeiture and punishment to which a person guilty of a first, second, or subsequent offence of stealing or taking such property is by this Act made liable. 1 J.</p>                  |
| <p><i>Abettors.</i>—Whosoever shall aid, abet, counsel, or procure the commission of any offence which is by this Act punishable on summary conviction, either for every time of its commission, or for the first and second time only, or for the first time only—</p>                         | <p>s. 99.</p>                         | <p>Shall be liable for every first, second, or subsequent offence of aiding, abetting, counselling, or procuring, to the same forfeiture and punishment to which a person guilty of a first, second, or subsequent offence as a principal offender is by this Act made liable.</p> |
| <p><i>Apprehending Offenders.</i> — Persons found offending (except for offences of angling in the day-time), may be apprehended without warrant by any person.</p>                                                                                                                             | <p>s. 103.</p>                        | <p>—</p>                                                                                                                                                                                                                                                                           |
| <p>On information on oath, Justice may grant search-warrant for stolen property.</p>                                                                                                                                                                                                            | <p>”</p>                              | <p>—</p>                                                                                                                                                                                                                                                                           |
| <p>Person to whom stolen property offered, if he suspect, &amp;c., is required to detain offender.</p>                                                                                                                                                                                          | <p>”</p>                              | <p>—</p>                                                                                                                                                                                                                                                                           |

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Statute.                     | Extent of Jurisdiction.                                                                                                                                                                                                                                                                   |
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| <b>LARCENY—continued.</b><br><b>LARCENY UNDER 25 &amp; 26 Vic., c. 50.*</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                              |                                                                                                                                                                                                                                                                                           |
| <i>Trees, Shrubs, Fruit, &amp;c., growing.—</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 25 & 26 Vic.<br>c. 50, s. 4. | Shall pay to party ag-<br>grieved the value of<br>the property stolen or<br>amount of injury done,<br>and shall also be liable<br>to a fine not exceeding<br>£5, or to be imprisoned<br>any period not exceed-<br>ing 3 months. 1 J.                                                      |
| Any person who shall steal, cut,<br>break, root up, or destroy or damage<br>with intent to steal, the whole or<br>any part of any growing tree, sap-<br>pling, shrub, or underwood, or any<br>growing fruit or vegetable produc-<br>tion, or any growing or cultivated<br>root or plant (the value or amount<br>of injury not exceeding £5)—<br>The like, severed from the soil; or<br>any <i>turf</i> or <i>peat</i> manufactured or<br>partly manufactured for fuel (the<br>value of articles stolen or of injury<br>done not exceeding 40s.)                                                                                                                                       | s. 5.                        | Shall pay to party ag-<br>grieved the value of<br>the property stolen or<br>amount of injury done,<br>and also be liable to a<br>fine not exceeding £5,<br>or to be imprisoned for<br>not exceeding 3 months.<br>1 J.                                                                     |
| <i>Sheep, &amp;c.—</i> On information on oath<br>that there is reasonable cause to sus-<br>pect that the carcase of any sheep<br>or lamb, or the skin, fleece, or any<br>part, &c., has been stolen, or unlaw-<br>fully taken, and is to be found in<br>any house or other place—<br>The person in whose possession or on<br>whose premises any of said articles<br>of property shall be found under<br>such search-warrant (or by Consta-<br>bulary in discharge of their duty,<br>&c.,) and who shall not satisfy the<br>Justice before whom he shall be<br>brought, that he came lawfully by<br>the same, or that same was on his<br>premises without his knowledge or<br>consent— | s. 6.                        | Justice empowered to<br>issue warrant to search<br>such house or place for<br>such articles of pro-<br>perty. 1 J.                                                                                                                                                                        |
| <i>Workmen making away with Goods, &amp;c.</i><br>—Artificer, workman, journeyman,<br>apprentice, servant, or other person<br>who shall unlawfully dispose of, or<br>retain in his possession, without the<br>consent of the person by whom he                                                                                                                                                                                                                                                                                                                                                                                                                                        | s. 7.                        | May be committed until<br>Petty Session, unless<br>he enter into recogni-<br>zance to appear; and<br>failing to account to<br>Justices' satisfaction,<br>shall, at discretion of<br>Justices, be imprisoned<br>not exceeding 3 mths.,<br>or be liable to a fine<br>not exceeding £5. 1 J. |
| Shall pay to party ag-<br>grieved such compen-<br>sation as the Justices<br>think reasonable, and<br>shall also be liable to a<br>fine not exceeding 40s.,                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                              |                                                                                                                                                                                                                                                                                           |

\* Convictions under this Act need not be returned to Quarter Sessions, and appeals from convictions will be subject to the provisions of the Petty Sessions Act.

**UNLAWFUL PURCHASES**

| Section                                                                                                                                                                                                                                                                                                                                                                                                                                  | Section    | Section 1, Article 7. |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|-----------------------|
| <p><b>Section 1.</b><br/>                     Any person who shall purchase or attempt to purchase any material or article of value, or any quantity of any material or article of value, for the purpose of selling or offering for sale, or for the purpose of distributing or attempting to distribute the same, knowing or having reason to believe that the same are stolen or unlawfully obtained, shall be guilty of a crime.</p> | <p>§ 1</p> | <p>§ 1</p>            |
| <p><b>Section 2.</b><br/>                     Any person who shall purchase or attempt to purchase any material or article of value, or any quantity of any material or article of value, for the purpose of selling or offering for sale, or for the purpose of distributing or attempting to distribute the same, knowing or having reason to believe that the same are stolen or unlawfully obtained, shall be guilty of a crime.</p> | <p>§ 2</p> | <p>§ 2</p>            |
| <p><b>Section 3.</b><br/>                     Any person who shall purchase or attempt to purchase any material or article of value, or any quantity of any material or article of value, for the purpose of selling or offering for sale, or for the purpose of distributing or attempting to distribute the same, knowing or having reason to believe that the same are stolen or unlawfully obtained, shall be guilty of a crime.</p> | <p>§ 3</p> | <p>§ 3</p>            |
| <p><b>Section 4.</b><br/>                     Any person who shall purchase or attempt to purchase any material or article of value, or any quantity of any material or article of value, for the purpose of selling or offering for sale, or for the purpose of distributing or attempting to distribute the same, knowing or having reason to believe that the same are stolen or unlawfully obtained, shall be guilty of a crime.</p> | <p>§ 4</p> | <p>§ 4</p>            |
| <p><b>Section 5.</b><br/>                     Any person who shall purchase or attempt to purchase any material or article of value, or any quantity of any material or article of value, for the purpose of selling or offering for sale, or for the purpose of distributing or attempting to distribute the same, knowing or having reason to believe that the same are stolen or unlawfully obtained, shall be guilty of a crime.</p> | <p>§ 5</p> | <p>§ 5</p>            |
| <p><b>Section 6.</b><br/>                     Any person who shall purchase or attempt to purchase any material or article of value, or any quantity of any material or article of value, for the purpose of selling or offering for sale, or for the purpose of distributing or attempting to distribute the same, knowing or having reason to believe that the same are stolen or unlawfully obtained, shall be guilty of a crime.</p> | <p>§ 6</p> | <p>§ 6</p>            |
| <p><b>Section 7.</b><br/>                     Any person who shall purchase or attempt to purchase any material or article of value, or any quantity of any material or article of value, for the purpose of selling or offering for sale, or for the purpose of distributing or attempting to distribute the same, knowing or having reason to believe that the same are stolen or unlawfully obtained, shall be guilty of a crime.</p> | <p>§ 7</p> | <p>§ 7</p>            |
| <p><b>Section 8.</b><br/>                     Any person who shall purchase or attempt to purchase any material or article of value, or any quantity of any material or article of value, for the purpose of selling or offering for sale, or for the purpose of distributing or attempting to distribute the same, knowing or having reason to believe that the same are stolen or unlawfully obtained, shall be guilty of a crime.</p> | <p>§ 8</p> | <p>§ 8</p>            |

\* The Justices will have the honor to be a guide to the public.

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                   | Statute.                                                                | Extent of Jurisdiction.                                                                                                                                                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>LINEN—continued.</b><br>Frivolous or vexatious complaints ; or if it appear that such are made from malicious, vexatious, or improper motives—                                                                                                                                                 | 3 & 4 Vic.<br>c. 91, s. 24.                                             | Justices may award defendant, in addition to his costs, a further sum not exceeding £20, recoverable by distress.<br>2 J.                                                     |
| <b>LOAN SOCIETIES (Charitable):*</b><br>Act to consolidate and amend the laws for the regulation of Charitable Loan Societies in Ireland.<br>Loans not to exceed £10 to any one individual at one time.<br>Loan debts under this Act, and all fines incurred—                                     | 6 & 7 Vic.<br>c. 91.<br><br>s. 24.<br><br>s. 30.                        | —<br><br>—<br><br>Recoverable before any one Justice having jurisdiction where defendant resides, or the office of the Society is situated ; amount to be levied by distress. |
| <b>LODGING HOUSES:</b><br>See "Common Lodging Houses."                                                                                                                                                                                                                                            |                                                                         |                                                                                                                                                                               |
| <b>LORD'S DAY :—</b> (See "Sunday").                                                                                                                                                                                                                                                              |                                                                         |                                                                                                                                                                               |
| <b>LOTTERY:</b><br>Lotteries are declared to be public nuisances.                                                                                                                                                                                                                                 | 11 Anne,<br>c. 6, s. 2.                                                 | Lotteries are deemed to be public nuisances, and lottery keepers are liable to a penalty of £100, recoverable by information, action, &c., or may be prosecuted as cheats.    |
| <b>LUNATICS:</b><br>Acts under which Magistrates have power to deal with <i>dangerous</i> lunatics.<br>Upon information on oath of one or more credible witnesses made before the Justices, <i>stating facts from which it shall appear</i> that such person was discovered and apprehended under | 1 Vic. c. 27 ;<br>8 & 9 Vic.<br>c. 107.<br>8 & 9 Vic.<br>c. 107, s. 10. | —<br><br>Any two Justices are empowered to call to their assistance any legally qualified physician, surgeon, or apo-                                                         |

\* This Act does not apply to private loan banks ; it is only applicable to banks established for charitable purposes, under the control of the Loan Fund Board. The Constabulary execute the Magistrates' warrants.



| Offence, or cause of Complaint.                                                                                                                                                                                                                           | Statute.                                         | Extent of Jurisdiction.                                                                                                                                                                                               |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>LUNATICS—continued.</b><br>circumstances denoting a derangement of mind, and a purpose of committing some crime, for which, if committed, such person would be liable to be indicted; and that such person is a dangerous lunatic or dangerous idiot—* |                                                  | thecary, and upon proof as aforesaid, and being satisfied that such person is a dangerous lunatic or dangerous idiot, to commit him or her to goal for the Assizes or Quarter Sessions, whichever shall first happen. |
| Justices may call on the Medical Officer of Dispensary District, to examine and certify as to dangerous Lunatics.                                                                                                                                         | 14 & 15 Vic.<br>c. 68, s. 15.                    | —                                                                                                                                                                                                                     |
| Officers, attendants, or persons having care of lunatics, abusing, ill-treating, or wilfully neglecting them.                                                                                                                                             | 16 & 17 Vic.<br>c. 96, s. 9.                     | A misdemeanor triable by indictment, or may be summarily tried by Justices; penalty, not exceeding £20, may be enforced under Petty Sessions Act. 2 J.                                                                |
| If any army pensioner become insane, any Justice of the place can certify the fact to the Commissioners of Chelsea Hospital, who shall direct payment of the pension to persons having charge of the lunatic.                                             | 2 & 3 Vic.<br>c. 51, s. 4.                       | —                                                                                                                                                                                                                     |
| <b>MAGNETIC TELEGRAPH:</b><br>Injuries to—see "Malicious Injuries."                                                                                                                                                                                       |                                                  |                                                                                                                                                                                                                       |
| <b>MAINTENANCE</b> ( <i>under Poor Law</i> ).<br>See "Poor Law."                                                                                                                                                                                          |                                                  |                                                                                                                                                                                                                       |
| <b>MALICIOUS INJURIES TO PROPERTY</b> ( <i>Act</i> ):<br>As amended by, . . . . .                                                                                                                                                                         | 24 & 25 Vic.<br>c. 97.<br>25 & 26 Vic.<br>c. 50. | —<br>The amended Act has reference to the mode of procedure, and empowers one Justice to hear the case.                                                                                                               |

\* For circulars on this subject and form of committal, see "Appendix,"

The informations should be returned to the Crown or Peace Office, as in other indictable offences; and the certificate of the physician should accompany the committal to the goal.

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Statute.                                                                                                                            | Extent of Jurisdiction.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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| <p><b>MALICIOUS INJURIES TO PROPERTY—continued.</b></p> <p><i>Damaging Trees, &amp;c., to the amount of 1s.</i>—Whosoever shall unlawfully and maliciously* cut, break, bark, root up, or otherwise destroy or damage the whole or any part of any tree, sapling, or shrub, or any underwood, wheresoever the same may be growing; the injury done being to the amount of 1s. at the least.</p> <p><i>Second Offence.</i>—Whosoever, having been convicted of any such offence, either against this or any former Act of Parliament, shall afterwards commit any of the offences in this section before mentioned.</p> <p>A third offence.</p> <p><i>Destroying Fruit or Vegetable Productions in Gardens, &amp;c.</i>—Whosoever shall unlawfully and maliciously destroy, or damage with intent to destroy, any plant, root, fruit, or vegetable production growing in any garden, orchard, nursery ground, hot-house, green-house, or conservatory.</p> <p><i>Second Offence.</i>—Whosoever, having been convicted of any such offence, either against this or any former Act of Parliament, shall afterwards commit any of the offences in this section before mentioned.</p> <p><i>Destroying Vegetable Productions not growing in Gardens.</i>—Whosoever shall unlawfully and maliciously destroy, or damage with intent to destroy, any cultivated root or plant used for the food of man or beast, or</p> | <p>24 &amp; 25 Vic. c. 97, s. 22. (25 &amp; 26 Vic. c. 50, ss. 2&amp;3.)</p> <p>”</p> <p>”</p> <p>s. 23.</p> <p>”</p> <p>s. 24.</p> | <p>At the discretion of the Justices, either to be imprisoned with or without H. L., for any term not exceeding 8 months; or else shall forfeit and pay, over and above the amount of injury done, a sum not exceeding £5. 1 J.</p> <p>To be imprisoned at H. L., for such term, not exceeding 12 months, as the Justice shall think fit. 1 J.</p> <p>Indictable misdemeanor. At the discretion of the Justices, to be imprisoned, with or without H. L., not exceeding 6 months; or else shall forfeit and pay (over and above the amount of the injury done), such sum, not exceeding £20, as to the Justices shall seem meet. 1 J.</p> <p>Felony triable by indictment.</p> <p>At the discretion of the Justice to be imprisoned, with or without H. L., for any term not exceeding 1 month, or else shall forfeit and</p> |

\* Malice conceived against owner, not necessary to be proved, s. 58. When a man commits an unlawful act, unaccompanied by any circumstances justifying its commission, it is a presumption of law that he has acted advisedly, and with an intent to produce the consequences which have ensued.

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Statute.                                                                       | Extent of Jurisdiction.                                                                                                                                                                                                                                                                                           |
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| <p><b>MALICIOUS INJURIES TO PROPERTY—continued.</b><br/>for medicine, or for distilling, or for dyeing, or for or in the course of any manufacture, and growing in any land, open or enclosed, not being a garden, orchard, or nursery ground.</p>                                                                                                                                                                                                                                       |                                                                                | <p>pay, over and above the amount of injury done, a sum not exceeding 20s.; and in default of payment, together with costs (if ordered), to be committed for any term not exceeding 1 month, unless payment be sooner made. 1 J.</p>                                                                              |
| <p><i>Second Offence.</i>—Whosoever, having been convicted of any such offence, either against this or any former Act of Parliament, shall afterwards commit any of the offences in this section before mentioned.</p>                                                                                                                                                                                                                                                                   | <p>24 &amp; 25 Vic. c. 97, s. 22. (25 &amp; 26 Vic. c. 50, ss. 2 &amp; 3.)</p> | <p>To be imprisoned with H. L., for such term, not exceeding 6 months, as the Justices shall think fit. 1 J.</p>                                                                                                                                                                                                  |
| <p><i>Injuries to Fences, &amp;c.</i>—Whosoever shall unlawfully and maliciously cut, break, throw down, or in anywise destroy, any fence of any description whatsoever, or any wall, stile, or gate, or any part thereof, respectively—</p>                                                                                                                                                                                                                                             | <p>s. 25</p>                                                                   | <p>For a first offence, shall forfeit and pay, over and above amount of injury done, a sum not exceeding £5; in default, &amp;c., to be imprisoned, with or without H.L., not exceeding 2 months, unless amount sooner paid. 1 J.</p>                                                                             |
| <p><i>Second Offence.</i>—Whosoever, having been convicted of any such offence, either against this or any former Act of Parliament, shall afterwards commit any of the offences in this section before mentioned.</p>                                                                                                                                                                                                                                                                   | <p>"</p>                                                                       | <p>To be committed and kept to H. L. for such term, not exceeding 12 months, as the Justices shall think fit. 1 J.</p>                                                                                                                                                                                            |
| <p><i>Injuries to Electric or Magnetic Telegraphs.</i>—Whosoever shall unlawfully and maliciously cut, break, throw down, destroy, injure, or remove, any battery, machinery, wire, cable, post, or other matter or thing whatsoever, being part of, or being used or employed in or about any electric or magnetic telegraph, or in the working thereof; or shall unlawfully and maliciously prevent or obstruct, in any manner whatsoever, the sending, conveyance, or delivery of</p> | <p>s. 37.</p>                                                                  | <p>Misdemeanor, triable by indictment; imprisonment not exceeding 2 years, H.L.; provided that if it appear to the Justices, on examination of the person charged, that it is not expedient to the ends of justice that same should be prosecuted by indictment, they may proceed summarily; and the offender</p> |

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                         | Statute.                                                                       | Extent of Jurisdiction.                                                                                                                                                                                                                                                                               |
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| <p><b>MALICIOUS INJURIES TO PROPERTY</b>—<i>continued.</i><br/>any communication by any such telegraph.</p>                                                                                                                                                                                             |                                                                                | <p>shall on conviction, in discretion of Justices, be imprisoned with or without H. L., for not exceeding 3 month, or forfeit and pay such sum, not exceeding £10, as to the Justices shall seem meet. 1 J.</p>                                                                                       |
| <p><i>Attempt.</i>—Whosoever shall unlawfully and maliciously, by any overt act, attempt to commit any of the offences in the last preceding, section mentioned.</p>                                                                                                                                    | <p>24 &amp; 25 Vic. c. 97, s. 38. (25 &amp; 26 Vic. c. 50, ss. 2 &amp; 3.)</p> | <p>At discretion of Justices, shall either be imprisoned, with or without H.L., for any term not exceeding 3 months, or else forfeit and pay such sum, not exceeding £10, as to the Justices shall seem meet. 1 J.</p>                                                                                |
| <p><i>Animals, Birds, &amp;c.</i>—Whosoever shall unlawfully and maliciously kill, maim, or wound, any dog, bird, beast, or other animal, not being cattle, but being either the subject of Larceny at Common Law, or being ordinarily kept in a state of confinement, or for any domestic purpose.</p> | <p>s. 41.</p>                                                                  | <p>At discretion of Justice, to be imprisoned with or without H.L., not exceeding 6 months, or to forfeit, over and above amount of injury done, any sum not exceeding £20. 1 J. Second conviction, not exceeding 12 months H.L. 1 J.</p>                                                             |
| <p><i>Damage to Property not previously provided for.</i>—Whosoever shall wilfully or maliciously commit any damage, injury, or spoil to or upon any real or personal property whatsoever, either of a public or private nature, for which no punishment is hereinbefore provided—</p>                  | <p>s. 52.</p>                                                                  | <p>At the discretion of the Justices, either to be imprisoned, with or without H.L., for any term not exceeding 2 months, or else shall forfeit and pay such penalty, not exceeding £5, as to the Justices shall seem meet, and also a further sum, as shall appear to be reasonable compensation</p> |
| <p><i>Proviso.</i>—Provided that nothing herein contained shall extend to any case where the party acted under a fair and reasonable supposition* that he had a right to do</p>                                                                                                                         | <p>"</p>                                                                       |                                                                                                                                                                                                                                                                                                       |

\* *Supposition of right.*—The rule on this subject is—that while a “mere fictitious pretence of title” should not avail, yet that it is sufficient to stop the summary interference of the Magistrate, by conviction, that “even a colour of title appears to be in question, and that the act was done *bonâ fide* under an assertion of that supposed title,” however weak the claim may appear to be.

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Statute.                                                              | Extent of Jurisdiction.                                                                                                                                                                                                                                                                                                         |
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| <p><b>MALICIOUS INJURIES TO PROPERTY—<i>continued.</i></b></p> <p>the act complained of, nor to any trespass not being wilful and malicious, committed in hunting, fishing, or in pursuit of game; but that every such trespass shall be punishable in the same manner as if this Act had not passed.</p> <p>The provisions in last preceding section contained shall extend to any person who shall wilfully or maliciously commit any injury to any tree, sapling, shrub, or underwood, for which no punishment is hereinbefore provided.</p> <p><i>Malice conceived against Owner, not necessary to be proved.</i>— Every punishment and forfeiture by this Act imposed on any person maliciously committing any offence, whether the same be punishable upon indictment or upon summary conviction, shall equally apply and be enforced, whether the offence shall be committed from malice conceived against the owner of the property in respect of which it shall be committed or otherwise.</p> <p>Act to apply to persons who, with intent to injure or defraud any other, shall do any of the acts herein made penal, although offender shall be in possession of the property injured.*</p> <p><i>Abettors</i> punishable as principal offenders in cases of summary conviction.</p> | <p>24 &amp; 25 Vic.<br/>c. 97, s. 58.</p> <p>s. 59.</p> <p>s. 68.</p> | <p>for the injury done, not exceeding £5, with costs (if ordered); in default, &amp;c., to be imprisoned as above, unless the amount be sooner paid. 1 J.</p> <p>If it be private property, compensation to be paid to party aggrieved; if it be of a public nature, to be applied as penalties.</p> <p>—</p> <p>—</p> <p>—</p> |

\* The above section would apply to apprentices, workmen, &c., who may happen to be in possession of their masters' goods, if they wilfully or maliciously damage or spoil their work. Malicious injuries by tenants is an indictable misdemeanor—sec. 13.

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Statute.                                                                                                                                             | Extent of Jurisdiction.                               |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|
| <p><b>MALICIOUS INJURIES TO PROPERTY—continued.</b></p> <p><i>First Conviction.</i>—In summary cases Justice may discharge offender from first conviction on his making satisfaction to party aggrieved for damages and costs, or either of them.</p> <p><i>Summary Conviction</i> to be a bar to all further or other proceedings for same cause.</p> <p><i>Appeal</i>* allowed where sum adjudged to be paid exceed £5, or the imprisonment exceeds one month, or where the conviction takes place before one Justice only.</p> <p>Offenders found committing, &amp;c., may be apprehended without warrant by peace officers, owner, or his servants, and taken before Justice.</p> <p><i>Presentments.</i>—Mode of presenting for compensation for malicious burnings, injuries to cattle, &amp;c. Extended to injuries to buildings, furniture, goods, &amp;c., caused by riots, by—</p> <p>(See also Indictable Offences Index, title, "Malicious Injuries;" and see "Landlord and Tenant," ante).</p> | <p>24 &amp; 25 Vic. c. 97, s. 66.</p> <p>s. 67.</p> <p>s. 68.</p> <p>s. 61.</p> <p>6 &amp; 7 W. iv. c. 116.</p> <p>16 &amp; 17 Vic. c. 38, s. 1.</p> | <p>—</p> <p>—</p> <p>—</p> <p>—</p> <p>—</p> <p>—</p> |

\* *Appeal.*—The conditions on which appeal from a conviction under this Act is allowed, and the rules to be observed, should be closely and carefully followed. The condition in the recognizance, as pointed out in the section, is "personally to appear at the said Sessions, and to try such appeal, and to abide the judgment of the Court thereupon, and to pay such costs as shall be by the Court awarded."

*Procedure.*—Mode of compelling appearance of defendants and witnesses, the hearing, &c., and the making and executing of orders, to be subject in all respects to provisions of Petty Sessions (Ireland) Act, 1851, as amended by the Petty Sessions Clerk (Ireland) Act, 1858—in Dublin to provisions of Acts relating to Divisional Police Offices.—25 & 26 Vic., c. 50, s. 2.

*Convictions* to be returned to Quarter Sessions.—See General Form of Conviction, Appendix.

| Offence, or cause of Complaint.                                                                                                                                                                             | Statute.                                            | Extent of Jurisdiction.                                                                                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|------------------------------------------------------------------------------------------------------------------|
| <b>MARINE STORES:</b>                                                                                                                                                                                       |                                                     |                                                                                                                  |
| Dealer in, shall have the words, "Dealer in Marine Stores" painted distinctly, in letters of not less than six inches in length, on every warehouse or other place of deposit belonging to him; in default— | Merchant Shipping Act, 17 & 18 Vic. c. 104, s. 408. | Penalty not exceeding £20, recoverable as in Petty Sessions Act. 2 J.                                            |
| He shall keep entries in books, fairly written, account of stores, the time at which and the person, his business and abode, from whom purchased; in default—                                               | "                                                   | First offence, penalty not exceeding £20; every subsequent offence not exceeding £50, recoverable as above. 2 J. |
| By himself or his agents purchasing, marine stores from persons apparently under 16 years—                                                                                                                  | "                                                   | For first offence not exceeding £5; for every subsequent offence not exceeding £20, recoverable as above. 2 J.   |
| Cutting up cable exceeding five fathoms, or unlaying same without permit, as therein—                                                                                                                       | "                                                   | First offence, penalty not exceeding £20; every subsequent offence not exceeding £50, recoverable as above. 2 J. |
| For mode of obtaining permit, advertizing same in newspapers, and marking anchors, and penalties in default, see—                                                                                           | ss. 481 & 482.                                      | —                                                                                                                |
| Marine forces while on shore, Act regulating.                                                                                                                                                               | (Annual.)                                           | —                                                                                                                |
| <b>MARKETS:</b>                                                                                                                                                                                             |                                                     |                                                                                                                  |
| Disputes in fairs and markets between buyer and seller (where value does not exceed £5).                                                                                                                    | 14 & 15 Vic. c. 92, s. 17.                          | One Justice may make award; if money ordered to be paid, amount to be levied by distress.                        |
| Justice may hear the case out of Petty Sessions.                                                                                                                                                            | 14 & 15 Vic. c. 93, s. 8.                           | —                                                                                                                |
| See "Fairs and Markets."                                                                                                                                                                                    |                                                     |                                                                                                                  |

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Statute.                         | Extent of Jurisdiction.                                                                                                                                                                                                                   |
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| <p><b>MARRIED WOMEN :</b><br/> <i>Protecting property of, when deserted by husbands.</i>—A wife deserted by her husband may apply to Justices in Petty Sessions or Judge of Common Pleas in chamber, for an order to protect any money or property she may acquire by her own lawful industry, and property which she may become possessed of after such desertion, against her husband, his creditors, or any person claiming under him, and Justices if satisfied of the facts of such desertion, and that the same was without reasonable cause—<br/> Copy Magistrate's order to be lodged with Clerk of the Peace for the county within 10 days.</p> | <p>28 Vic. c. 43.<br/> a. 1.</p> | <p>Justices may make and give wife an order protecting her earnings and property acquired since commencement of desertion from her husband, his creditors and persons claiming under him. 2 J.<br/> Or in Dublin 1 Police Magistrate.</p> |

\* Some difficult questions will in all probability from time, to time, arise before Justices under sec. 1.—As to what will constitute desertion, and without reasonable cause: How long the Protecting order is to continue: What will be considered sufficient grounds for discharging the order, &c., &c. The order may be in words to the following effect:—

*Petty Sessions, District of ———.*

*County of ———,*

Protection Order, (28 Vic., c. 43).

A. B., of ———, married woman, having this day appeared before us the undersigned Justices of the Peace assembled in Petty Sessions at ———, in the County of ———, and given us to understand that she is now and has been since the ———, day of ———, deserted by her husband, C. D., of ——— (describe), and having at same time applied to us for an order to protect any money or property she may acquire by her own lawful industry, and property she may become possessed of after such desertion, against her husband or his creditors or any person claiming under him; and we the said Justices having enquired into the matter of said complaint and application, and the grounds thereof, and we being satisfied of the fact of such desertion of his said wife by the said C. D., and that the same was without reasonable cause and that the said A. B. is maintaining herself by her own industry or property: We do accordingly and by virtue of the statute in that behalf (28 Vic., c. 43), intituled, "An Act to provide for the security of property of married women separated from their husbands in Ireland." Make and give to the said A. B. this our order protecting her earnings and property, acquired since the ——— day of ———, the commencement of such desertion, from her said husband, and all creditors and persons claiming under him.

Given under our hands in Petty Sessions, at ———, in the  
County of ———, this ——— day of ———, 18 .

To all whom it may concern.



| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Statute.                                    | Extent of Jurisdiction.                         |
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| <p><b>MARRIED WOMEN—continued.</b><br/> Husband or his creditors may apply to same Court to discharge the order.<br/> Husband or his creditors, &amp;c., seizing or holding property of the wife after notice of such order, shall be liable at her suit to restore same and also a sum equal to double value. And during continuance of order, she shall, with regard to property and courtesy, suing and being sued, be as if she obtained decree or divorce à mensâ et thoro.<br/> Sec. 2 provides protection for wife's property after divorce à mensâ et thoro.<br/> Sec. 3. After divorce à mensâ et thoro wife to be deemed feme sole as to property.<br/> Sec. 4. Mode of enforcing decree for alimony.<br/> (See also "Poor Law.")</p> |                                             |                                                 |
| <p><b>MASTERS, SERVANTS, WORKMEN:</b><br/> <i>Servants misbehaving.</i>— Servants drunken, idle, or disorderly in service, or who waste or purloin the goods of master or mistress, or lend same without their consent or knowledge, or who leave their service without consent within the time for which they had obliged themselves to serve.*</p>                                                                                                                                                                                                                                                                                                                                                                                            | <p>2 Geo. I. c. 17, s. 2.<br/> (Irish).</p> | <p>Imprisonment not exceeding 10 days. 1 J.</p> |

\* The remainder of the section enacts—"And in case that the said master or mistress shall, after the said time of punishment is expired, desire the said servants to return to their service for the remainder of the time that by agreement such servant ought to serve, that then the Justice of the Peace or Chief Magistrate shall order the said servant so to do; and in case the said servant shall refuse or neglect so to do, that then and in such case, the said Justice of the Peace or Chief Magistrate is again to commit such servant to the house of correction, to be kept to hard labour, and (corporally punished) during the time he or she ought to serve his or her master or mistress, according to their agreement, or until the next General Quarter Sessions of the Peace, where the Justices in open Sessions may examine the matter and discharge the said servant, or continue him or her, as to them shall seem meet."

*Master's liability for Acts of Servant.*—Master is answerable for the Act of his servant if done by his command either expressly or impliedly given, nam qui facit per alium facit per se—whatever a servant is permitted to do in the usual course of his

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Statute.                           | Extent of Jurisdiction.                                                                                                                                                             |
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| <b>MASTERS, SERVANTS, WORK-MEN—<i>continued.</i></b><br>(But see also the offence of general misconduct under 14 & 15 Vic., c. 92, s. 16, hereinafter).<br><i>Hiring with another while in actual service.</i> —No servant shall hire or offer to be hired into any service while he or she is actually in service, and before the time for which he or she did contract or hire be expired, without licence from master or mistress first obtained, unless such servant first give one month's notice thereof to his or her master or mistress; and any servant doing to the contrary— |                                    |                                                                                                                                                                                     |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 2 Geo. i. c. 17, s. 3.<br>(Irish). | Imprisonment not exceeding 10 days, and kept to H. L., during the time. 1 J.                                                                                                        |
| <i>Absence, Neglect, Misconduct, &amp;c.</i> —Any servant, artificer, labourer, or other person engaging by agreement signed by both parties, and not entering service accordingly; or, having entered the service under any agreement, whether in writing or not, absenting or neglecting to fulfil the same, or guilty of any misconduct or misdemeanor in the execution of same, or in any way respecting the same, on the complaint of employer, his steward, manager, or agent—*                                                                                                   | 14 & 15 Vic. c. 92, s. 16.         | Penalty not exceeding £5; in default, &c., imprisonment not exceeding 3 months, and to abate the whole or part of his wages, and may discharge him from his hiring or service. 1 J. |

business is equivalent to a general command.—If a servant, by his negligence, does any damage to a stranger, the master shall answer for his neglect.—If a farrier's servant lame a horse while shoeing him an action lies against the master.—If a coachman or carter drive over a passenger on the road the master is liable to make satisfaction for the hurt done.—

These determinations are said to stand rather upon the authority of the law, than any principle of natural justice.

\* The general but comprehensive terms used in this section will enable the Magistrate to deal with the ordinary offences which servants may commit. It appears to take in, without naming them, all the offences mentioned in the Irish Statute (2 Geo. iv., c. 17, s. 2), previously set out, and under it the Justices' powers are more extensive, simple, and certain; and is not confined merely to menial or domestic servants. Wherever it meets the case, being the recent enactment, it is the proper one to be applied.

It will be observed that the agreement for service, to commence on a future occasion or time, must be reciprocal, and signed by both parties; where the service is entered upon, it matters not whether the agreement is signed by both or one, or at all, or whether it is in writing or not.

Any person of full age is, as a general rule, capable of entering into an agreement

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Statute.                                                              | Extent of Jurisdiction.                                                                                                                                                                                                                                                      |
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| <p><b>MASTERS, SERVANTS, WORKMEN—continued.</b></p> <p><i>Making away with goods, &amp;c.</i>—Any artificer, workman, journeyman apprentice, servant, or other person who shall unlawfully dispose of, or retain in his possession, without consent of the person by whom he shall be hired, &amp;c., any goods, wares, work, or materials, committed to his care or charge (value not exceeding £5)—</p> <p><i>Workman's offences generally.</i>—Any manufacturer, artificer, journeyman, workman, or labourer absenting or neglecting work, &amp;c. during engagement, or hindering others from working on account of their being foreigners or strangers, &amp;c., or on any other account, or refusing to work in an usual or reasonable manner, or returning work unfinished.* See sec., <i>infra</i>.</p> | <p>25 &amp; 26 Vic. c. 50, s. 7.</p> <p>43 Geo. iii. c. 86, s. 6.</p> | <p>Shall pay such compensation as the Justices think reasonable, and a fine not exceeding £2, or to be imprisoned not exceeding one month. 1 J.</p> <p>Imprisonment not exceeding 6 months in common gaol; or not exceeding 3 months, H.L., in house of correction. 2 J.</p> |

to serve; and as an infant is capable of entering into a deed of apprenticeship for his benefit, so it is considered, in the case of a servant, if the hiring and service be fair and suitable, an infant may contract to serve for his or her own benefit. He can enforce his claims for wages, and be made to observe and fulfil his contract.

A servant is bound to conform to the general rules of the master's establishment, and to do all that reasonably belongs to the kind of service which he has undertaken.

\* 43 Geo. iii., c. 86, s. 6.—“If any manufacturer, artificer, journeyman, workman, or labourer, being engaged with any master, mistress, or employer, shall, after such engagement, and during the time for which he shall be so engaged, refuse to work, or shall absent himself from the service of the person, by whom he shall be so employed, during the accustomed hours of working at such trade or occupation as he shall be accustomed to be employed at; or if hired by the week, month, or year, shall neglect to come to work each and every day, during the said term, on any account or pretext whatsoever, unless prevented by sickness or some other reasonable cause, to the satisfaction of the Justices before whom complaint shall be made; or shall hinder, prevent, or molest, or attempt to hinder, prevent, or molest, any person or persons from working at any business or occupation, on account of the said persons being foreigners, strangers, or natives of any other part of the United Kingdom, or of any other county, city, or place within Ireland, or on any other account whatsoever; or shall refuse or neglect to work in the trade or calling he shall be so engaged for, and in an usual and reasonable manner being thereto required by his employer, or shall return his work before the same shall be completely finished, without the consent of the person or persons by whom he shall be so employed, unless it be for some reasonable and sufficient cause, to be allowed by two Justices of the Peace, in their respective jurisdictions, and shall be thereof convicted before two Justices of the Peace for the county, city, or place, where such offence shall be committed; it shall be lawful for such

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Statute.                                                                                                                       | Extent of Jurisdiction.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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| <p><b>MASTERS, SERVANTS, WORKMEN—continued.</b></p> <p><i>Employers' offences in hiring.</i>—If any master-workman or any person whatsoever for him or by his direction, or with his privity, shall knowingly receive, employ, or entertain any artificer, journeyman, manufacturer, workman, or labourer already employed or retained by another, during the time such artificer, &amp;c., shall be so employed or retained, without leave of the person or persons by whom such artificer, &amp;c., shall be so employed or retained, and being thereof convicted.</p> <p>All undertakers or contractors for work in Ireland shall be considered as masters under this Act, so far as relates to the journeymen, artificers, workmen and labourers employed by them.</p> <p>Summons to be served, at the least, 24 hours before hearing, personally, or to person above 16 years of age resident at defendant's abode.</p> <p>Master in the particular trade not to act as Justice of Peace.</p> <p>Informers or prosecutor to be a competent witness to prove the offence; and informers giving evidence indemnified from prosecution for the same matter.</p> <p><i>Nurses.</i>—Nurse hiring herself as such, knowing that she is with child; or continuing to nurse after she knows herself to be with child, without giving notice to parents; or having any foul or infectious disease: Justice may appoint two or more physicians, chirurgeons, or midwives, to examine her, and report on oath.</p> | <p>43 Geo. iii. c. 86, s. 7.</p> <p>s. 9.</p> <p>s. 11.</p> <p>s. 12.</p> <p>s. 14.</p> <p>2 Geo. i. c. 17, s. 7. (Irish).</p> | <p>Penalty not less than £5, nor more than £20; in default, &amp;c., imprisonment not exceeding 6 months, nor less than 2 months; or, in discretion of Justices, to some house of correction, to be kept to H. L., for not exceeding 3 months. 2 J.</p> <p>One moiety (half) of the penalty to party aggrieved.</p> <p>—</p> <p>—</p> <p>—</p> <p>—</p> <p>To forfeit all sums due her, and all sums already paid her on account of such nursing, to the person informing, same to be recoverable as servants' wages; and also to be imprisoned for 3 months at H. L. 1 J.</p> |

Justices of the Peace, by warrant under their hands (and seals), to commit the person or persons so convicted to the common gaol, there to be kept without bail or main-prize, for any time not exceeding 6 calendar months; or otherwise, at the discretion of such Justices, to some house of correction within their jurisdiction, there to remain and be kept to hard labour for any time not exceeding 3 calendar months."

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                       | Statute.                           | Extent of Jurisdiction.                                                                                                                                                             |
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| <b>MASTERS, SERVANTS, WORKMEN—continued.</b>                                                                                                                                                                                                                                                                          |                                    |                                                                                                                                                                                     |
| <i>Servants' Discharges.</i> —Master refusing discharge and certificate of behaviour to servant, if no sufficient cause shown, after being applied to in writing by Justice or Chief Magistrate.                                                                                                                      | 2 Geo. i. c. 17, s. 4.<br>(Irish). | Any Justice of Chief Magistrate may give certificate accordingly.                                                                                                                   |
| <i>Firing Houses.</i> —Menial or other servant or servants, who through negligence or carelessness, shall fire or occasion the burning of any dwelling-house or out house.                                                                                                                                            | ”                                  | Penalty £50; in default, &c., imprisonment 18 months at H. L. 2 J.                                                                                                                  |
| <i>Forged Discharges.</i> —Any servant or other person, who shall hire or engage with any master or other person, under any false or forged discharge or certificate of character—*                                                                                                                                   | 14 & 15 Vic. c. 92, s. 16,         | Shall be liable to forfeit all wages due at the time of conviction, and penalty not exceeding £5; in default, &c., imprisonment not exceeding 3 months H. L. 1 J.                   |
| <i>Wages.</i> —It shall be lawful for Justices to hear and determine disputes as to wages due by master to apprentice, or by employer to artificer, labourer, servant, or other person, in respect to day's work, task, job, or contract, &c., or due to schoolmaster for tuition, where amount does not exceed £10†— | s. 16.                             | Justice may make award for amount due; and also may award a further sum as compensation, not exceeding 40s., for loss of time in recovering wages. Recoverable by distress.<br>1 J. |
| (And see also title “Wages.”)                                                                                                                                                                                                                                                                                         |                                    |                                                                                                                                                                                     |

\* But under the 2 Geo. i., c. 17, s. 4 (Ir.)—“Any servant who shall be convicted of counterfeiting or producing a counterfeited certificate, under the hand of any master or mistress (or Justice of the Peace or Chief Magistrate), or under the hand of the steward or bailiff of any peer or peeress, before two Justices of the Peace, by the oath of one or more witnesses, or by such servant's own confession, such servant shall be committed to the house of correction, and there kept for the space of 3 months to hard labour, and whipped publicly on some market day, between 11 and 12 o'clock, A.M., through the streets of the town where the house of correction stands.” The 1 Geo. iv., c. 57, abolishes the whipping of females.

† *Breakages.*—Wilful or malicious mischief can be dealt with under the Malicious Injuries Act. For negligent or accidental breakages, if it be intended to deduct the value from the wages, an agreement to that effect is desirable. The master's remedy for breakages seems to be by process in the County Court. However, if the Justices see good reason for it, they may adjourn the case of wages, or the warrant to enforce payment, until the master's proceedings for breakages be determined.

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Statute.                                                                                                                                                     | Extent of Jurisdiction.                                                                                                                                                                                                                                                                                                                            |
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| <p><b>MASTERS, SERVANTS, WORKMEN—continued.</b></p> <p><i>Debts due by Servants to Publicans.</i>—Retailers of beer or spirits, giving credit to servants, day labourers, and other persons, who usually work or ply for hire or wages, beyond the amount of 1s., shall have no remedy for the sum due, and securities for such debts shall be void.</p> <p>Receiving pledges from servants or workmen, as aforesaid, to secure payment of any sum exceeding 1s., contracted in manner aforesaid.</p> <p><i>Cruelty to Servants.</i>—Master or mistress wilfully, and without lawful excuse, refusing or neglecting to provide food, lodging, &amp;c.; or maliciously doing bodily harm, so as to endanger life.*</p> <p>See also title "Wages."<br/>"Apprentices."<br/>"Combination."</p> | <p>9 Geo. ii. c. 8<br/>1 Geo. iii. c. 17, s. 14.</p> <p>9 Geo. ii. c. 8.<br/>1 Geo. iii. c. 17. s. 14.</p> <p>24 &amp; 25 Vic. c. 100, ss. 26. &amp; 73.</p> | <p>—</p> <p>Chief Magistrate in corporate town, or Justice in county, county of a city or town, by warrant, to compel retailer, by distress and sale of his goods, to restore the pledge, or to make satisfaction for the loss or abuse thereof.</p> <p>Mayor or 1 J. Indictable offence; and Poor Law Guardians may be required to prosecute.</p> |

\* While it is the bounden duty of a servant to be honest, diligent, and faithful, careful to protect the master's property, and perform all the duties that reasonably belong to the service undertaken, there is a correlative duty imposed on the master. Not alone is he to abstain from maliciously doing bodily harm to his servant, so as to endanger either life or limb, but he is expected, in return for the service he receives in his household, to promote the comfort of those domestics who place themselves under his protection, and reside in his house, and provide them with proper and sufficient food, lodging, and bedding. For offences of this nature he was always liable to punishment; but the aggravated cruelty instanced in some cases, of late years, induced the legislature to pass laws enabling the Court to visit with exemplary punishment, such acts of cruelty and inhumanity.

He is bound to provide necessary food and lodging during the servant's sickness. He is not bound to supply medicines; whether he will provide these, and also that description of food and drink which may be prescribed for the servant's malady must, it appears, rest with himself; but as our laws humanely provide these things for the poor, the master should at least see that his servant does not suffer by the want of them.

It seems that a master may, with moderation ("with due correction,") punish an apprentice, or a servant *under age*.—H. H.

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Statute.                          | Extent of Jurisdiction.                                                          |
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| MEAL:<br>See "Frauds as to Provisions."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                   |                                                                                  |
| MEAT:<br>See "Frauds as to Provisions."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                   |                                                                                  |
| MERCHANDISE MARKS ACT,<br>(1862):<br>Forging or falsely applying any trade-mark, with intent to defraud, or causing or procuring, &c.<br>Pecuniary penalties under this Act are, in Ireland, recoverable by Civil Bill                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 25 & 26 Vic.<br>c. 86, ss. 2 & 3. | Indictable misdemeanor; and adding to or altering trade-mark, forgery, s. 5.     |
| MERCHANT SHIPPING ACT ( <i>principal Act</i> ):*                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 17 & 18 Vic.<br>c. 104.           | —                                                                                |
| <p style="text-align: center;"><i>Division of Act.</i></p> <p>1. Board of trade—its functions, . . . ss. 6 to 16. —</p> <p>2. British ships; ownership; measurement; registry. . . ss. 18 to 108. —</p> <p>3. Masters and seamen, . . . ss. 109 to 290. —</p> <p>4. Safety and prevention of accidents, . . . ss. 291 to 329. —</p> <p>5. Pilotage, . . . ss. 330 to 388. —</p> <p>6. Lighthouses, . . . ss. 389 to 416. —</p> <p>7. Mercantile marine fund, . . . ss. 417 to 431. —</p> <p>8. Wrecks, casualties, and salvage, . . . ss. 432 to 501. —</p> <p>9. Liability of ship owners, . . . ss. 502 to 516. —</p> <p>10. Legal Procedure, . . . ss. 517 to 543. —</p> <p>11. Miscellaneous matters.</p> |                                   |                                                                                  |
| <i>Engagement of Seamen.</i> —Unlicensed persons (other than the owner, master, or mate, or the <i>bona fide</i> servant, and in constant employ of owner or a shipping master) engaging or supplying seamen or apprentices.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | s. 147.                           | Penalty not exceeding £20; recoverable as in Petty Sessions Act and Scale.† 2 J. |

\* Such portions of this important statute are abstracted as are most frequently referred to in Maritime Petty Sessions Courts. To facilitate reference on other matters, the various subjects and divisions of the Act are given above.

† *Procedure.*—Section 518 directs that offences, where the imprisonment does not exceed six months, nor the penalty £100, shall in Ireland, be prosecuted summarily, before two or more Justices, as in 14 & 15 Vic., c. 93 (the Petty Sessions Act), and all its provisions applicable thereto. By section 519, one Stipendiary Magistrate has power to act alone. Sec. 520 provides that offences, shall be deemed to be committed where they actually take place, or where the offender shall be found.

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                             | Statute.                     | Extent of Jurisdiction.                                                                                                                                                                                                                                                                                           |
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| <b>MERCHANT SHIPPING ACT—con.</b><br>Employing unlicensed persons (other than those excepted as aforesaid) for the purpose of engaging or supplying seamen or apprentices.                                                                                                                                                                                                  | 17 & 18 Vic. c. 104, s. 147. | Like penalty.                                                                                                                                                                                                                                                                                                     |
| Knowingly receiving or accepting seamen or apprentices so illegally supplied.*                                                                                                                                                                                                                                                                                              | „                            | Like penalty.                                                                                                                                                                                                                                                                                                     |
| Demanding or receiving, directly or indirectly, from any seamen or apprentice, or from any person on his behalf, any remuneration other than the proper fees for shipping them.                                                                                                                                                                                             | s. 148.                      | Penalty not exceeding £5; recoverable as above. 2 J.                                                                                                                                                                                                                                                              |
| <i>Wages.</i> —Right to wages commences at the time of commencing work, or at the time specified in agreement for commencing work, or presence on board, whichever first happens.                                                                                                                                                                                           | s. 181.                      | —                                                                                                                                                                                                                                                                                                                 |
| <i>Mode of Recovering Wages.</i> — Any seaman or apprentice, or any person duly authorized on his behalf, may sue in a summary manner before any two Justices of the Peace, acting in or near to the place at which the service has terminated, or at which the seamen or apprentice has been discharged, or at which any person upon whom the claim is made is or resides. | ss. 188 & 523.               | Justices may decree amount of wages due, not exceeding £50, and if not paid at the time and in the manner prescribed in the order, may, in addition to any other powers for compelling payment, direct amount to be levied by distress or poinding and sale of the ship, her tackle, furniture, and apparel. 2 J. |
| Master to have same remedies for recovery of his wages as seamen.                                                                                                                                                                                                                                                                                                           | s. 191.                      | —                                                                                                                                                                                                                                                                                                                 |
| Masters to account for wages and effects of any seamen or apprentice who dies during the voyage.<br>(And see also amended Act, 25 & 26 Vic. c. 63, s. 21, respecting seamen lost with their ship).                                                                                                                                                                          | s. 194.                      | —                                                                                                                                                                                                                                                                                                                 |

\* These provisions as to shipment and discharge, apply to all seagoing *British* ships, wherever registered (sec. 109.) They do not seem to apply to unregistered vessels. Foreign seamen, as well as British subjects, fall within these terms. Every person, too, who serves in *any* capacity on board, save the master and apprentices (see sec. 2), falls within the term "Seaman."—*Dowdeswell's "Shipping."*



| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                    | Statute.                     | Extent of Jurisdiction.                                                                                                                                                                                                      |
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| <b>MERCHANT SHIPPING ACT—con.</b><br>Seamen or apprentices desiring to go on shore to make complaint to a Justice, consular officer, or naval officer, against master or any of the crew; he shall, if service of the ship will permit, be allowed to do so. And if master refuse—                                 | 17 & 18 Vic. c. 104, s. 232. | Penalty not exceeding £10; recoverable as in Petty Sessions Act.<br>2 J.                                                                                                                                                     |
| <i>Protection from Imposition.</i> —Lodging-house keepers overcharging seamen or apprentice—                                                                                                                                                                                                                       | s. 235.                      | Like penalty.                                                                                                                                                                                                                |
| Persons detaining money, documents, or effects of any seamen or apprentice, and does not return same or pay the value thereof when required by such seamen, &c., subject to such deduction as may be justly due to him from such seaman, &c., in respect of board or lodging, or otherwise, or absconds therewith. | s. 236.                      | Penalty not exceeding £10; and in addition, Justices may order the amount or value of such moneys, documents, or effects (subject to such deduction as aforesaid) to be forthwith paid to such seamen or apprentice.<br>2 J. |
| Unauthorized persons going on board before the final arrival of ship at dock or place of discharge, without permission.                                                                                                                                                                                            | s. 237.                      | Penalty not exceeding £20; recoverable as in Petty Sessions Act.<br>2 J.                                                                                                                                                     |
| Persons within twenty-four hours after arrival soliciting any seaman to become lodger, or who takes out of ship any effects of any seamen except under his personal direction and with permission of master.                                                                                                       | s. 238.                      | Penalty not exceeding £5; recoverable as above.<br>2 J.                                                                                                                                                                      |
| <i>Discipline.</i> —Misconduct endangering ship, or life or limb of any person on board.                                                                                                                                                                                                                           | s. 239.                      | Indictable misdemeanor.                                                                                                                                                                                                      |
| <i>Desertion.</i> *—Desertion by seaman or apprentice.                                                                                                                                                                                                                                                             | s. 243.                      | Imprisonment not exceeding 12 weeks, with or without H. L., and forfeiture of effects on board, and wages, or part thereof.<br>2 J.                                                                                          |

*Seamen's complaints as to ship.*—Where seamen allege before Magistrates, as a justification for quitting their ship, that she is unseaworthy or badly manned, the Resident Board of Trade Surveyor of the Port is the proper authority to examine and report on the subject when Magistrates may require their assistance.—*Castle Communication*, 38.—8 January, 1866.

\* *Desertion*, as here used, has been held to mean the abandoning of the ship, *sine animo revertendi*. Inhumanity and ill-treatment on the part of the master and officers, and the repetition of which may be justly apprehended, will justify the seaman in

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                              | Statute.                     | Extent of Jurisdiction.                                                                                                                                                                                                               |
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| <b>MERCHANT SHIPPING ACT—con.</b><br>Neglecting or refusing, without reasonable cause, to join ship or proceed to sea; absent without leave within twenty-four hours before sailing, or for absence at any time without leave, and without sufficient reason from ship or duty (not amounting to desertion). | 17 & 18 Vic. c. 104, s. 243. | Imprisonment not exceeding 10 weeks H.L., and forfeiture of not exceeding two days' pay; and, in addition, for every 24 hours' absence, either a sum not exceeding six days' pay, or expense of substitute. 2 J.                      |
| Quitting ship without leave after arrival at port of delivery, and before she is placed in security.                                                                                                                                                                                                         | "                            | Shall forfeit out of wages a sum not exceeding one months' pay. 2 J.                                                                                                                                                                  |
| Wilful disobedience to any lawful command.                                                                                                                                                                                                                                                                   | "                            | Imprisonment not exceeding 4 weeks, with or without H. L., and also, at discretion of Court, to forfeit out of wages not exceeding two days' pay. 2 J.                                                                                |
| Continued wilful disobedience to lawful commands or continued wilful neglect of duty.                                                                                                                                                                                                                        | "                            | Imprisonment not exceeding 12 weeks, with or without H.L.; and, at discretion of Court, to forfeit for every 24 hours' continuance of disobedience or neglect either a sum not exceeding six days' pay or expense of substitute. 2 J. |
| Assaulting master or mate.                                                                                                                                                                                                                                                                                   | "                            | Imprisonment not exceeding 12 weeks, with or without H.L. 2 J.                                                                                                                                                                        |
| Combining with any other of the crew to disobey lawful commands, to neglect duty, or to impede the navigation of the ship or the progress of the voyage.                                                                                                                                                     | "                            | Imprisonment not exceeding 12 weeks, with or without H.L. 2 J.                                                                                                                                                                        |
| Wilfully damaging ship, embezzling or wilfully damaging stores or cargo.                                                                                                                                                                                                                                     | "                            | Forfeit out of wages a sum equal to loss sustained, and also to imprisonment not exceeding 12 weeks, with or without H.L. 2 J.                                                                                                        |

quitting the ship, and form a good answer to any plea, alleging the desertion as a justification for non-payment of wages.—See *Dowdeswell*, and see also *O'Dowd on the Shipping Acts*.

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                      | Statute.                        | Extent of Jurisdiction.                                                  |
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| <b>MERCHANT SHIPPING ACT—con.</b><br><i>Official Log.</i> —Entry of offences in section 243 to be made in official log, and to be read over or a copy given to the offender, and his reply, if any, to be also entered.<br>(And see also from sec. 280 to sec. 287, as to entries in official logs). | 17 & 18 Vic.<br>c. 104, s. 244. | —                                                                        |
| Deserters may be sent on board in lieu of imprisonment, on application of master or owner, and may order offender to pay the expenses or that same be deducted from his wages.                                                                                                                       | s. 247.                         | —                                                                        |
| If undergoing imprisonment for desertion, absence, or breach of discipline, he may likewise, on application of master or owner, be sent on board before termination of his sentence.*                                                                                                                | s. 248.                         | —                                                                        |
| Enticing seaman or apprentice to desert or absent himself.                                                                                                                                                                                                                                           | s. 257.                         | Penalty not exceeding £10, recoverable as in Petty Sessions Act.<br>2 J. |
| Harbouring or secreting knowingly.                                                                                                                                                                                                                                                                   | „                               | Penalty not exceeding £20, recoverable as in Petty Sessions Act.<br>2 J. |
| <i>Marine Stores.</i> —Dealers in marine stores and manufacturers of anchors: for regulation to be observed, and the penalties for their violation, see—<br>And see title “Marine Stores.”                                                                                                           | ss. 480 to 483                  | —                                                                        |
| <i>Crimes Committed on the High Seas and Abroad.</i> —Offences by British seamen at foreign ports (ashore or afloat) to be adjudged as if committed within the jurisdiction of the Admiralty of England.                                                                                             | s. 267.                         | —                                                                        |

\* As the gaoler, acting on his general instructions, may not feel warranted in releasing the prisoner, it would be proper that the Justice should refer to the authority of the Act.

*Incompetency.*—As to the power of the Master to disrate his Mate for Incompetency.—In Bothwell and Lindsay before the Magistrates at the Thames Police Court, September, 1864, summons by chief mate to recover wages.—The defence set up was incompetency.—Mr. Partridge for the mate argued—so long as he holds a certificate of competency from the Board of Trade, I say he cannot be punished for incompetency; you may proceed for penalties for neglect, drunkenness, absence, without leave, or other offences.—Mr. Smyth for the Master, declined to take this course, and gave up his case. An order for £50 and one guinea costs was made.—The Magistrate was

| Offence, or cause of Complaint.                                                                                                          | Statute.                 | Extent of Jurisdiction.                                        |
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| <b>MERCHANT SHIPPING ACT—<i>con.</i></b><br><b>“MERCHANT SHIPPING ACT AMENDMENT ACT, 1862.”</b>                                          | 25 & 26 Vic.<br>c. 63.   | This Act to be construed<br>as part of the fore-<br>going Act. |
| Extending certain portions of the third part of first Act to registered seagoing fishing boats, lighthouse vessels, and pleasure yachts. | s. 13.                   | —                                                              |
| Provides for punishment of embezzlement in shipping office, and officers, &c., to be deemed clerks or servants.                          | s. 16.                   | —                                                              |
| Magistrates to have power of cancelling or suspending certificates of master or mate in certain cases, and on conditions in section.     | s. 23.                   | —                                                              |
| Wilful default in masters, &c., in observing lights, signals, &c., and regulations.<br>(Equally applicable to foreign ships, sec. 57).   | ss. 25, 26, 27,<br>& 28. | Misdemeanor.                                                   |
| Rules for harbours under local Acts to continue in force, and may be made where none exist.                                              | ss. 31 & 32.             | —                                                              |

asked, through the Home office, for his report on the case, and the whole having been submitted to the Law Officers, they gave the following opinion.—

OPINION.

1 and 2. That it does not appear necessary to determine what would be the effect of a contract between the master and mate independently of the statute, inasmuch as the form of contract issued by the Board of Trade in pursuance of the statute was in this case adopted. This contract contains the following clause:—“If any person enters himself as qualified for a duty which he proves incompetent to perform, his wages shall be reduced in proportion to his incompetency.” We are of opinion that this clause gives the master power to make a reduction in the wages of the mate proportionate to his incompetency. With reference to the suggested causes of incompetency, we think that, if all or any of them produced permanent or continuing disability to perform his duties, this would be “incompetency” within the meaning of the contract, but that mere occasional misconduct, though punishable in other ways, would not be “incompetency.” We understand the term “disrate” to mean the reduction of the wages of the mate to those of an ordinary seaman, which is all that has been done by the master. In this sense, in any case of proved incompetency we think that the master has the power to “disrate.”

3. We are of opinion that this power to disrate or reduce the wages is not taken away by the effect given by the statute to the certificate of competency of the Board of Trade; but that, notwithstanding such certificate, the master may justify his reduction of wages by proof of incompetency.

4. We are of opinion that the power given by the contract to disrate or reduce wages is not affected by the provision referred to concerning fines.

Lincoln's Inn, Nov. 18, 1864.

ROUNDELL PALMER.  
R. P. COLLIER.

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Statute.                       | Extent of Jurisdiction.                                                                                                                                                                                                            |
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| <b>MERCHANT SHIPPING ACT—<i>con.</i></b><br><b>AMENDMENT ACT, 1862—<i>continued.</i></b><br><i>Surveyed Passenger Steamers.</i> —<br>Drunken or disorderly persons<br>persisting in going on board after<br>refusal.                                                                                                                                                                                                                                                                                             | 25 & 26 Vic.<br>c. 93, s. 35.  | Penalty not exceeding<br>40s.*<br>1 J.                                                                                                                                                                                             |
| Persons on board molesting passen-<br>gers after warning.                                                                                                                                                                                                                                                                                                                                                                                                                                                        | "                              | Like.                                                                                                                                                                                                                              |
| Persons forcing way on board ship<br>when full.                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | "                              | Like.                                                                                                                                                                                                                              |
| Refusal to quit ship when full, on<br>fare being tendered.                                                                                                                                                                                                                                                                                                                                                                                                                                                       | "                              | Like.                                                                                                                                                                                                                              |
| Attempting to travel without paying<br>fare, or proceeding beyond place<br>paid for (knowingly) and without<br>paying additional fare, or refusing<br>to produce ticket.                                                                                                                                                                                                                                                                                                                                         | "                              | Like.<br>(Not to prejudice right<br>to fares payable.) See<br>also title "Passenger<br>Ships."                                                                                                                                     |
| Wilfully injuring or obstructing ma-<br>chinery, tackle, or molesting crew<br>in execution of duty.                                                                                                                                                                                                                                                                                                                                                                                                              | s. 36.                         | Penalty not exceeding<br>£20, recoverable as in<br>Petty Sessions Act. 1J.                                                                                                                                                         |
| Offenders under last two sections<br>(whose names and addresses are<br>unknown) may be apprehended<br>and brought before any Justice.                                                                                                                                                                                                                                                                                                                                                                            | s. 37.                         | Justice to hear and de-<br>termine the complaint.                                                                                                                                                                                  |
| <i>Salvage.</i> —Extension and amendment<br>of eighth part of "Principal Act,"<br>giving summary jurisdiction to two<br>Justices in salvage cases.                                                                                                                                                                                                                                                                                                                                                               | s. 49.                         | —                                                                                                                                                                                                                                  |
| Lord Lieutenant may appoint a rota<br>of Justices for the purpose.                                                                                                                                                                                                                                                                                                                                                                                                                                               | "                              | When no rota appointed,<br>salvor, by notice to<br>Justices' Clerk, may<br>name one Justice, and<br>owner another.                                                                                                                 |
| <b>MILITIA:</b><br><i>Absent from Training.</i> —Every militia-<br>man (not labouring under any cer-<br>tified infirmity or incapacity), who<br>shall not appear at the time and<br>place appointed for his being ex-<br>ercised (notice having been given<br>as required by Act); or, having<br>joined, deserts or absents himself<br>during the time of any such ex-<br>ercise, shall be deemed a deserter;<br>and if not taken until after the<br>time of such exercise, shall on<br>conviction be liable to— | 17 & 18 Vic.<br>c. 107, s. 28. | Penalty not exceeding<br>£10, and if not imme-<br>diately paid, imprison-<br>ment not exceeding 3<br>months, with or with-<br>out H.L. 1 J.<br>Information may be laid<br>at any time within the<br>period of his engage-<br>ment. |

\* Where offender brought in custody, one Justice may hear complaints, under sections 35 and 36. Penalties may be enforced under Petty Sessions Act.

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                           | Statute.                                                             | Extent of Jurisdiction.                                                                                                                                                                        |
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| <b>MILITIA—continued.</b>                                                                                                                                                                                                                                                                                 |                                                                      |                                                                                                                                                                                                |
| If the corps be out of training, to be detained until escort sent for him.                                                                                                                                                                                                                                |                                                                      |                                                                                                                                                                                                |
| <i>Harbouring, &amp;c.</i> —Any person who by words or other means, shall persuade any militia-man improperly to absent himself from his duty; and every person who shall assist or procure any militia-man improperly to absent himself, or conceal, or employ him, knowing him to be improperly absent. | 17 & 18 Vic.<br>c. 107, s. 30;                                       | Penalty not exceeding<br>£20.* 1 J.                                                                                                                                                            |
| Knowingly buying, concealing, or receiving militia arms, clothes, or accoutrements, &c., stores or ammunition.                                                                                                                                                                                            | s. 31.                                                               | Penalty not exceeding<br>£10; in default &c.,<br>imprisonment not ex-<br>ceeding 6 months, with<br>or without H. L. 1 J.                                                                       |
| <i>Fraudulent Re-enlistment.</i> —Any militia-man who, before expiration of his engagement, enrolls or offers to enrol in any other militia corps, except in the way of lawful renewal of his engagement, shall be deemed a deserter.                                                                     | 22 & 23 Vic.<br>c. 38, ss. 10 & 12.<br>23 & 24 Vic.<br>c. 94, s. 15. | Penalty not less than<br>40s. and not exceed-<br>ing £20; and in de-<br>fault of payment, im-<br>prisonment not less<br>than 2, and not ex-<br>ceeding 6 months, with<br>or without H. L. 1 J. |
| For militia-men entering as Naval Coast Volunteers, and <i>vice versa</i> —see "Naval Coast Volunteers."                                                                                                                                                                                                  |                                                                      |                                                                                                                                                                                                |
| Masters claiming apprentices serving in embodied militia—see Mutiny Act—                                                                                                                                                                                                                                  | Annual.                                                              | —                                                                                                                                                                                              |
| And see title "Mutiny Act."                                                                                                                                                                                                                                                                               |                                                                      |                                                                                                                                                                                                |

\* The section does not state how this penalty is to be enforced, but sec. 32 provides that all such shall be recoverable in Ireland, under 12 & 13 Vic., c. 70. Now this latter Act is repealed by the 14 & 15 Vic., c. 93; and although the Militia Act is subsequent to both, by some oversight the Petty Sessions Act in force is passed over, and the repealed one is revived for the purpose. The mode is by warrant of distress; and if no goods, or where distress would be ruinous to defendant or his family, he may be imprisoned for not exceeding 3 months.—See sections 19, 20, 21, 22.

*Application of Penalties*—All penalties on militia-men to be paid to the commanding officers of the respective corps to which the offenders belong—22 & 23 Vic., c. 38, s. 14. All penalties under 17 & 18 Vic., c. 107, ss. 30 & 31, shall go one-half to informer or person who shall sue for same; and the other, or where the offence shall be proved by the person who shall inform, the whole to be applied as the Secretary-at-War shall direct.—Sec. 33.

*Report of Conviction.*—Justice to report convictions of Militia-men to Secretary-at-War, for which the Justice's Clerk is entitled to a fee of 2s. (*stamps*), 17 & 18 Vic., c. 107, s. 24; the 2s. is made up of order, warrant to commit, and certificate of conviction for War Office. Convictions under ss. 30 & 31 of 17 & 18 Vic., c. 107, against other persons than militia-men, must also be reported within four days to Secretary-at-War.—Sec. 33.

| Offence, or cause of Complaint.                                                                                                                                                                                                      | Statute.                     | Extent of Jurisdiction.                                                                                                |
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| <b>MUTTON (Stolen):</b><br>Found in possession unaccounted for.<br>See "Larceny."                                                                                                                                                    | 25 & 26 Vic.<br>c. 30, s. 6. | —                                                                                                                      |
| <b>MUTINY ACT:</b>                                                                                                                                                                                                                   |                              |                                                                                                                        |
| Deserters to be committed to prison, or to head quarters or depôt of regiment to which he belongs (if convenient).                                                                                                                   | Annual.                      | This Act will be found in every Statute book.                                                                          |
| Justice to report the circumstances to War Office.                                                                                                                                                                                   | c. 34.                       | 1 J.                                                                                                                   |
| Falsely confessing to be a deserter from her Majesty's Forces, or from embodied militia.                                                                                                                                             | s. 37.                       | Imprisonment not exceeding 3 months at H. L. 2 J.                                                                      |
| (Letter from Secretary of State for War admissible evidence of facts therein stated.)                                                                                                                                                |                              |                                                                                                                        |
| Justice may extend furlough under certain circumstances, and when military or militia officer not convenient.                                                                                                                        | s. 38.                       | Extension not to exceed 1 month, and Justice shall forthwith certify the fact to the commanding officer.               |
| Justice or clerk to fill declaration when recruit brought to be attested, and to caution recruit that if he make any wilfully false answer, he will be liable to be punished as a rogue and vagabond.                                | s. 44.                       | —                                                                                                                      |
| If recruit, when appearing before a Justice to be attested, shall dissent from or object to his enlistment, and shall satisfy the Justice that same was effected in any respect irregularly.                                         | s. 45.                       | Justice shall discharge the recruit, and report the fact to the Inspecting Field Officer, or officer commanding depôt. |
| Recruit, previous to being sworn in, on payment of enlisting money, pay, and 20s. smart-money, may be released.                                                                                                                      | s. 45.                       | Justice to give recruit certificate accordingly, and report circumstances to War Office, and Inspecting Field Officer. |
| Recruits by false answers obtaining enlisting money, making false statements, refusing to answer or to go before Justice, or dissenting from his enlistment, omitting to pay smart-money, as therein (provided he be not attested)*— | s. 47.                       | Punishable as a rogue and vagabond; imprisonment not exceeding 3 months H. L. 2 J.                                     |

\* It will be seen that a recruit, *before being attested*, may dissent from his enlistment, if irregularly effected; or may pay the smart-money; or the enlistment being regular, and he unable to pay the smart-money, still refuses to be attested, the Jus-

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Statute.                                                            | Extent of Jurisdiction.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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| <p><b>MUTINY ACT—continued.</b><br/>           Attested recruits who shall afterwards be discovered to have given any wilfully false answer, or made wilfully false statement, if the proper military authority so direct, may be proceeded against under sec. 47.</p> <p>Masters claiming apprentices or indentured labourers from Her Majesty's Forces or embodied militia, shall within 1 month, make the oath required by Act and Schedule thereto.</p> <p>Apprentice, &amp;c., falsely stating before attesting Magistrate that he is not an apprentice, shall be deemed guilty of obtaining money by false pretences, and shall be liable to serve after expiration of his apprenticeship.</p> <p>Apprentice not to be taken from corps, &amp;c., except under Justice's warrant residing near, and within whose jurisdiction he shall then be.</p> | <p>Annual.<br/>s. 48.</p> <p>s. 56.</p> <p>s. 56.</p> <p>s. 57.</p> | <p>Imprisonment not exceeding 3 months H. L. 2 J.</p> <p>Justice to receive the oath, and grant the certificate prescribed in Schedule to Act. The apprentice must be bound for 5 years at least; and his age, when bound, not exceeding 16 years.</p> <p>—</p> <p>Notice and copy of warrant to be given as in section; and Justice, if required by officer, shall commit apprentice for trial at Quarter Sessions, and retain indenture for the purpose. Production of indenture, and Justice's certificate that same was proved, shall be sufficient evidence of the indenture. If Justices not required by officer to commit apprentice, he may deliver him to his master.</p> |

tices may summarily convict him under the above section. This leaves the recruit without any reasonable ground of complaint, and, at the same time, should have the effect of removing every motive to irregular enlistments.

The proceeding under sec. 48 must be in the discretion of the proper military authorities.



| Offence, or cause of Complaint.                                                                                                                                                                                                 | Statute.                      | Extent of Jurisdiction.                                                                                                      |
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| <b>MUTINY ACT—continued.</b><br>Inducing soldiers to desert; knowingly aiding or concealing him—                                                                                                                                | Annual.<br>s. 81.             | Misdemeanor; imprisonment not exceeding 6 months, with or without H.L. 2 J.<br>Penalty not exceeding £20. 2 J.               |
| Officer or soldier in pursuit of deserter, breaking into any house or out-house, without Justice's warrant.                                                                                                                     | s. 82.                        | Penalty not exceeding £20. 2 J.                                                                                              |
| Knowingly detaining, buying, exchanging, or receiving from any soldier or deserter, or any person on his behalf, &c., regimental necessaries, medals, &c., or having same in possession, and not satisfactorily accounting, &c. | s. 85.                        | Penalty not exceeding £20, and treble value; in default, &c., imprisonment not exceeding 6 months, with or without H.L. 1 J. |
| Subsequent offence, . . . . .                                                                                                                                                                                                   | "                             | Penalty not exceeding £20, nor less than £5, and treble value, or like imprisonment. 1 J.                                    |
| Justice empowered to grant search-warrant, as in the case of stolen goods.                                                                                                                                                      | "                             | —                                                                                                                            |
| Constables, inn-keepers, and others, offending against the laws relating to billet.                                                                                                                                             | s. 86.                        | Penalty not exceeding £5, nor less than 40s.* 1 J.                                                                           |
| Fraudulently personating soldiers, &c., to obtain billet.                                                                                                                                                                       | "                             | Penalty not exceeding £5, nor less than 20s. 1 J.                                                                            |
| <b>NAVAL COAST VOLUNTEERS:</b><br><i>Fraudulent Enlistment.</i> —Naval Coast Volunteer offering himself to be enlisted in Her Majesty's regular forces, or as a militia-man (or militia-man offering to enrol as volunteer.)    | 16 & 17 Vic.<br>c. 73, s. 18. | Imprisonment not exceeding 6 months. 1 J.                                                                                    |
| Officer or other person knowingly enlisting or enrolling volunteer into Her Majesty's regular forces or militia, or knowingly entering militia-man to serve as a volunteer; for every such offence.                             | "                             | Penalty not exceeding £20.† 1 J.<br>And enlistment to be null and void.                                                      |

\* English Petty Sessions Act, 11 & 12 Vic., c. 43, extended to Ireland for the recovery of penalties, &c., under the above Act.—See sec. 90.

One moiety of every penalty (not including treble value), to go to informer; the remainder, together with treble value, or where the offence is proved by the informer, the whole to be paid to the "General Agent for the Recruiting Service, London."—Sec. 91.

† These penalties are recoverable under the English Petty Sessions Act, 11 & 12 Vic., c. 43. It differs but little from the Irish Petty Sessions Act; the form of warrant in

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                      | Statute.                   | Extent of Jurisdiction.                                                           |
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| <b>NAVAL COAST VOLUNTEERS—<br/><i>continued.</i></b>                                                                                                                                                                                                                                 |                            |                                                                                   |
| <i>Accoutrements, &amp;c.</i> —Volunteer who shall sell, pawn, or lose his arms, clothes, accoutrements, or ammunition, or neglecting, &c., to return same in good order as therein.                                                                                                 | 16 & 17 Vic. c. 78, s. 19. | Penalty not exceeding £8. 1 J.                                                    |
| Person who shall knowingly and willingly buy, take in exchange, in pledge, or otherwise receive or conceal any arms, &c., of such volunteer.                                                                                                                                         | "                          | Penalty not exceeding £10, and treble the value of the articles so received. 1 J. |
| <i>Absent from Training.</i> —Volunteer (not labouring under infirmity, &c.) who shall not appear at time and place appointed for training and exercise, &c.; or appearing, if he afterwards deserts or absents himself.                                                             | s. 20.                     | Penalty not exceeding £20. 1 J.                                                   |
| Persons not attending when called into actual service.                                                                                                                                                                                                                               | s. 21.                     | May be apprehended and punished as deserters from the navy. See "Navy."           |
| <i>Harbouring, &amp;c.</i> —Any person, who by words or other means, shall persuade any volunteer under this Act, or officer or man of the coast-guard, revenue cruisers, &c., or other person required to serve in the navy under this Act, improperly to absent himself from duty— | s. 22.                     | Shall forfeit the sum of £20. 1 J.                                                |
| Assisting or procuring volunteer or man as aforesaid, improperly so to absent himself, or concealing or employing him, knowing him to be so improperly absent—<br>(Offence triable before Justice where offence committed, or where offender may happen to be).                      | "                          | Shall, for every such offence, forfeit and pay the sum of £30.                    |

the latter will suit. By distress, and in default of distress, imprisonment. Where there are not sufficient goods off which to levy the penalty, the imprisonment may be with or without H.L., for not exceeding 6 months.

*Appropriation.*—One moiety of penalty to person who shall inform, or sue for same; residue together with treble value; or where the offence is proved by the informer, then the whole penalty and treble value, shall be applied as the Lord High Admiral c., shall direct.

| Offence, or cause of Complaint.                                                                                                                                                                                     | Statute.                   | Extent of Jurisdiction.                                                                                                                                                                                                                  |
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| <p><b>NAVY (<i>Royal</i>):</b><br/>Deserters or persons improperly absent from duty.</p>                                                                                                                            | 10 & 11 Vic. c. 62, s. 9.  | To be committed to prison, and Justice to report the case, and give description of the deserter, and the ship from which he is absent, to chief officer of any of Her Majesty's ships, or if convenient, to send him on board ship. 1 J. |
| Fraudulently confessing to be a deserter, or to be improperly absent from any of Her Majesty's ships.                                                                                                               | s. 10.                     | May be compelled to serve as if he had volunteered; or if rejected, may be imprisoned for not exceeding 3 months H. L. 2 J.                                                                                                              |
| Every person who, by words or any other means, persuades any person in Her Majesty's Navy to desert, or improperly absent himself from duty.*                                                                       | s. 11.                     | Penalty £20; in default of payment, imprisonment, with or without H.L., not exceeding 6 months. 1 J.                                                                                                                                     |
| Every person who shall assist or procure any person in Her Majesty's Navy to desert, or improperly absent himself from his duty, or shall conceal or employ him, knowing him to be a deserter or improperly absent. | s. 11.                     | Penalty £30; in default of payment, imprisonment, with or without H.L., not exceeding 6 months. 1 J.                                                                                                                                     |
| Approaching or hovering about any of Her Majesty's ships or vessels, for the purpose of aiding or assisting any officer, seaman, or marine to desert or improperly absent himself.                                  | 16 & 17 Vic. c. 69, s. 12. | Penalty not exceeding £10; in default of payment, imprisonment, with or without H.L., not exceeding 6 months. 1 J.                                                                                                                       |
| For attempting to bring spirituous or fermented liquors on board ship, without commander's consent.                                                                                                                 | s. 12.                     | Like.                                                                                                                                                                                                                                    |

\* One half to informer or complainant of all penalties; the residue to Commissioners of *Greenwich* Hospital.

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                        | Statute.                                                                        | Extent of Jurisdiction.                                                                                                                                                                                   |
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| <p><b>NAVY (Royal)—continued.</b><br/>           Every person who, upon entering or offering himself to enter Her Majesty's naval service, shall make or give any false statement whether orally or in writing, with intent to deceive any officer or person authorized to enter or enlist seamen or others for the naval service.</p> | <p>16 &amp; 17 Vic.<br/>           c. 69, s. 16.</p>                            | <p>Shall be deemed to be a rogue and vagabond, within the intent and meaning of 5 Geo. iv., c. 83, and punished accordingly.*</p>                                                                         |
| <p><b>NEGLIGENT DRIVING:</b><br/>           See "Driver."</p>                                                                                                                                                                                                                                                                          |                                                                                 |                                                                                                                                                                                                           |
| <p><b>NEWSPAPERS:</b><br/>           Act regulating the conditions of printing, publishing, and payment of duty, &amp;c.</p>                                                                                                                                                                                                           | <p>6 &amp; 7 Wm. iv.<br/>           c. 76.</p>                                  | <p>All penalties not exceeding £20 may be recovered at prosecution of any person before one Justice, with power to mitigate penalties.</p>                                                                |
| <p><b>NUISANCES ON PUBLIC ROADS, STREETS, &amp;c.:</b><br/>           Turning loose any horse or cattle on public road or street. †<br/>           By negligence or ill-usage in driving cattle causing any mischief.</p>                                                                                                              | <p>14 &amp; 15 Vic.<br/>           c. 92, s. 10.<br/><br/>           s. 10.</p> | <p>Penalty not exceeding 10s.; in default, &amp;c., imprisonment not exceeding 14 days. 1 J.<br/>           Penalty not exceeding 10s.; in default, &amp;c., imprisonment not exceeding 14 days. 1 J.</p> |
| <p>Urging on dog or other animal to attack or worry any person, horse, or animal.</p>                                                                                                                                                                                                                                                  | <p>"</p>                                                                        | <p>Like.</p>                                                                                                                                                                                              |
| <p>Flying kites, making slides on ice or snow, throwing fireworks, or discharging firearms on or within 60 feet of centre, or in any street of a town, &amp;c. ‡</p>                                                                                                                                                                   | <p>"</p>                                                                        | <p>Like.</p>                                                                                                                                                                                              |

\* This Act of 5 Geo. iv. c. 83, for the punishing of rogues and vagabonds, is an English Act; but for the punishment of this and several other offences in connexion with the public service, it is extended to Ireland; the punishment is, not exceeding 3 month's imprisonment, H. L.—1 J.

† It will be seen in this same section that for allowing swine or other beast to wander on public roads the penalty is 2s. *Beast* is a comprehensive term, and will include every irrational animal, while cattle strictly means beasts of pasture. But the words "*turning loose*," will perhaps sufficiently point out those animals that are generally harnessed or tied up; while the words "*allowing to wander*," will properly apply to the hog, goat, &c., the privileged roud, and the chartered libertine.

‡ For throwing fireworks on *thoroughfares*—see also title "Gunpowder," where a penalty of £5 is provided or the offence.

| Offence, or cause of Complaint.                                                                                                                                                                                                     | Statute.                   | Extent of Jurisdiction.                                                                                              |
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| <b>NUISANCES ON PUBLIC ROADS, STREETS, &amp;c.—<i>continued.</i></b>                                                                                                                                                                |                            |                                                                                                                      |
| Leaving plough, harrow, cart, &c., without horse, &c., being harnessed thereto, unless accidentally broken down.                                                                                                                    | 14 & 15 Vic. c. 92, s. 10. | Like.                                                                                                                |
| Slaughtering or leaving dead beast on, or skinning thereon, or within 30 feet of centre, save in enclosed yard, &c.                                                                                                                 | "                          | Like.                                                                                                                |
| Laying stones, timber, dirt, dung, turf, straw, rubbish, or scourings of ditches or drains, or other object, on public road or street, &c., so as to cause danger, &c., to passengers, or allowing to remain longer than necessary. | "                          | Like.                                                                                                                |
| For every cart-load of dung, rubbish, scourings, clay, stones, bricks, sand, or lime, or other like materials, allowed to remain thereon more than 24 hours after required by Justice or Surveyor to remove—                        | "                          | In addition to the foregoing fine, a further fine not exceeding 2s. 6d. a-day after expiration of the 24 hours. 1 J. |
| Scalding casks, binding car or cart wheels, beating flax, threshing or winnowing corn on or within 30 feet of centre (save in house or enclosed yard)—                                                                              | "                          | Penalty not exceeding 10s.; in default, &c., imprisonment not exceeding 14 days. 1 J.                                |
| Keeping or suffering dogs at large within 50 yards of public road, without being muzzled or sufficiently logged, to prevent their being dangerous.                                                                                  | "                          | Penalty not exceeding 10s.; in default, &c., imprisonment not exceeding 14 days. 1 J.                                |
| Justices may issue order to Constabulary, directing any dangerous dog, so kept at large, to be seized or killed.                                                                                                                    | "                          | —                                                                                                                    |
| Drying flax, burning bricks or lime, weeds or vegetables for ashes, making bonfires or any other fire on any public road, or within 60 feet of centre (save in house or enclosed yard).                                             | "                          | Penalty not exceeding 10s.; in default, &c., imprisonment not exceeding 14 days. 1 J.                                |
| Carrying timber or iron crosswise, so as to project more than two feet beyond wheels or sides.*                                                                                                                                     | "                          | Like.                                                                                                                |

\* A more extensive jurisdiction is given by the Towns Improvement Act. Under it a penalty of 20s. may be imposed on any person who causes any tree, timber, or iron beam to be drawn without sufficient means of guiding the same—sec. 72. And a similar power is given under the Police Clauses Act, 10 & 11 Vic., c. 89.

| Offence, or cause of Complaint.                                                                                                                                                                                              | Statute.                   | Extent of Jurisdiction.                                                                                                                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|
| <b>NUISANCES ON PUBLIC ROADS, STREETS, &amp;c.—<i>continued.</i></b>                                                                                                                                                         |                            |                                                                                                                                            |
| Exposing horse or other animal for show, sale, or hire, except in place appointed.                                                                                                                                           | 14 & 15 Vic. c. 92, s. 10. | Penalty not exceeding 40s.; in default, &c., imprisonment not exceeding 1 month. 1 J.                                                      |
| Allowing swine or other beast to wander on road or street (power to impound, if owner not known).                                                                                                                            | "                          | Penalty not exceeding 2s.; in default, &c., imprisonment not exceeding 1 week. 1 J.                                                        |
| Foregoing provisions not to apply to surveyor or road contractor for acts done in execution of office or contract.                                                                                                           | "                          | —                                                                                                                                          |
| Surveyor or contractor allowing stones or other matter, &c., to remain on roads at night without due precaution.                                                                                                             | "                          | Penalty not exceeding £5; in default, &c., imprisonment not exceeding 2 months. 1 J.                                                       |
| Constabulary to take cognizance of offences committed on public roads against the provisions of this Act, and summon offenders.                                                                                              | s. 14.                     | —                                                                                                                                          |
| Where the name and residence of offender cannot be ascertained, he may be arrested; and, for refusing to discover his name, he <i>shall be liable</i> —                                                                      | "                          | To be committed for any time not exceeding 1 month; or may be proceeded against for the penalty incurred by description of his person, &c. |
| Horses, carriages, &c. of offenders taken into custody may be detained.                                                                                                                                                      | "                          | —                                                                                                                                          |
| <i>Compensation.</i> —Compensation, not exceeding 40s., for any hurt or damage caused by the commission of offences, recoverable before Justices: in addition to penalty—                                                    | "                          | Where offence is by the driver of any carriage, the owner shall pay compensation, and he may recover over against the driver.              |
| <i>Obstructions generally.</i> —Any person who shall, in any manner, wilfully, or by negligence or misbehaviour, prevent or interrupt the free passage of any person or carriage on any public road, or street, or crossing. | s. 13.                     | Penalty not exceeding 20s.; in default, &c., imprisonment not exceeding 1 month. 1 J.                                                      |
| For injuries to roads, see "Roads;" for other offences, see "Cars, &c.," "Drivers."                                                                                                                                          |                            |                                                                                                                                            |
| For Nuisances injurious to health see "Public Health."                                                                                                                                                                       |                            |                                                                                                                                            |

| Offence, or cause of Complaint.                                                                                                                                                                                                       | Statute.                      | Extent of Jurisdiction.                                                               |
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| <b>OATH :</b><br>In criminal proceedings, affirmation may be taken in lieu.—See “Affirmation.”                                                                                                                                        |                               |                                                                                       |
| <b>OBSCENE OR INDECENT BEHAVIOUR IN STREETS :</b><br>See “Indecent exposure.”                                                                                                                                                         |                               |                                                                                       |
| <b>OBSTRUCTING STREETS, &amp;c. :</b><br>Any person who shall, in any manner, wilfully, or by negligence or misbehaviour, prevent or interrupt the free passage of any person or carriage on any public road, or street, or crossing. | 14 & 15 Vic.<br>c. 92, s. 13. | Penalty not exceeding 20s.; in default, &c., imprisonment not exceeding 1 month. 1 J. |
| <b>OCCASIONAL LICENCE :</b><br>To sell beer, spirits, &c., for not exceeding three days.<br>See “Publicans,” &c.                                                                                                                      | 25 Vic. c. 22,<br>s. 18.      | —                                                                                     |
| <b>ORDER (in Petty Sessions) :</b><br>Entry in Order Book, when signed, to be good conviction.                                                                                                                                        | 14 & 15 Vic.<br>c. 93, s. 21. | Each order to be signed by one of the Justices present,*                              |
| <b>ORCHARD :</b><br>Stealing fruit in—see “Larceny;”<br>damaging or destroying—see “Malicious Injuries.”                                                                                                                              |                               |                                                                                       |
| <b>OVERHOLDING TENEMENTS :</b><br>See “Landlord and Tenant.”                                                                                                                                                                          |                               |                                                                                       |
| <b>OYSTERS :</b><br>See “Fisheries.”                                                                                                                                                                                                  |                               |                                                                                       |
| <b>PALE :</b><br>Stealing—see “Larceny.”                                                                                                                                                                                              |                               |                                                                                       |

\* The order is not complete until signed by one of the Justices, and the words in the section are mandatory. Nor is it sufficient to sign the book once at the end of several cases. “Each order should be signed in the Order Book by a Justice signing his name opposite to it, or immediately after it.”—*Circular*, 31 Oct., 1860.

*Altering Order.*—“I think the Magistrates who pronounced the order for conviction, may, on the same day, and in presence of the parties, alter their decision before the book is signed by one of the Magistrates.”—*Law Adviser's Opinion*, 3 Jan., 1854.

| Offence, or cause of Complaint.                                                                                                                                                                                             | Statute.                | Extent of Jurisdiction.                                                                                                                                                                                                                  |
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| <b>PARTY PROCESSIONS AND EMBLEMS.</b>                                                                                                                                                                                       |                         |                                                                                                                                                                                                                                          |
| Act to restrain party processions in Ireland.*                                                                                                                                                                              | 18 Vic. c. 2.           | —                                                                                                                                                                                                                                        |
| Any Justice shall proceed, with such assistance as in his judgment may be necessary, to the place of such assembly, and shall read, or cause to be read, a command or notice in the words or to the effect therein stated.† | 18 Vic. c. 2,<br>s. 2.  | —                                                                                                                                                                                                                                        |
| Persons assembling not dispersing within quarter of an hour after command given by Justice.                                                                                                                                 | s. 3.                   | Misdemeanor punishable by indictment.                                                                                                                                                                                                    |
| Justice may cause to be seized and detained firearms, offensive weapons, banners, and musical instruments.                                                                                                                  | "                       | —                                                                                                                                                                                                                                        |
| Persons refusing to disperse may be apprehended or summoned; and being convicted, shall be liable to—                                                                                                                       | "                       | Penalty not exceeding £5; in default, &c., 1 month imprisonment; or may be imprisoned without fine.<br>Second offence not exceeding £10; in default, &c., 2 months, or imprisonment without fine, 2 J.<br>Liable to like penalties. 2 J. |
| Firearms or offensive weapons in possession of any person forming part of procession shall be forfeited; and persons refusing to give them up—                                                                              | s. 4.                   |                                                                                                                                                                                                                                          |
| The above amended by ‡ . . .                                                                                                                                                                                                | 23 & 24 Vic.<br>c. 141. | —                                                                                                                                                                                                                                        |

\* *What Processions shall be unlawful.*—"All assemblies of persons in Ireland who shall meet, or parade together, or join in procession, and who shall bear, wear, or have amongst them, or any of them, any firearms, or other offensive weapons, or any banner, emblem, flag, or symbol, the display whereof may be calculated or tend to provoke animosity between different classes of Her Majesty's subjects; or who shall be accompanied by any person or persons playing music, or singing any song, which may be calculated or tend to provoke animosity between different classes of Her Majesty's subjects;—shall be unlawful assemblies; and every person present thereat shall be guilty of a misdemeanor, and upon conviction thereof shall be punished accordingly."—18 Vic., c. 2, s. 1.

† *Form of Command or Notice.*—"Our Sovereign, Lady the Queen doth charge and command all persons being here assembled, immediately to disperse and peaceably to depart, upon pain of fine or imprisonment, according to the statute passed in the 13th year of the reign of Queen Victoria, to restrain party processions in Ireland. God save the Queen."

‡ This latter Act is far more extensive than the former. By the first section "Any



| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Statute.                                                                  | Extent of Jurisdiction.                                                                                                                                                                                                                                                                                                                                                                                            |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>PARTY PROCESSIONS, &amp;c.—con.</b><br/>Publicly exhibiting or displaying upon any building or place (or wilfully permitting) any banner, flag, or party emblem or symbol, meeting or parading, playing music or discharging firearms.</p> <p>Any Justice on sworn information that such exhibition is likely to lead to a breach of the peace, may, by warrant, authorize Constabulary to enter such building and to remove banners, &amp;c.</p> <p>This is a five years' Act.</p>                                                                                                                                                           | <p>28 &amp; 24 Vic. c. 141, s. 1.</p> <p>s. 2.</p>                        | <p>Indictable misdemeanor.</p> <p>1 J.</p>                                                                                                                                                                                                                                                                                                                                                                         |
| <p><b>PASSENGER SHIPS :</b><br/>This Act applies to every "Passenger Ship" from United Kingdom to any place out of Europe, not being within the Mediterranean Sea.</p> <p>Persons found on board with intent, fraudulently, to obtain passage. (Penalty increased from £5 to £20 by 26 &amp; 27 Vic. c. 51, sec. 7.)</p> <p><i>Passengers' Rights.</i>—Where passage not provided according to contract ticket in ship specified, or an equally eligible ship to same port, within 10 days.</p> <p>Subsistence in case of detention. If caused by stress of weather, &amp;c., and that passengers are maintained, no subsistence money allowed.</p> | <p>18 &amp; 19 Vic. c. 119.</p> <p>s. 18.</p> <p>s. 48.</p> <p>s. 49.</p> | <p>Penalty not exceeding £20; in default of payment, imprisonment not exceeding 3 months H. L. 1 J.</p> <p>Return of passage money, and not exceeding £10 compensation for each passenger; in default of payment, imprisonment not exceeding 3 months H. L. 2 J. or 1 Stipendiary.</p> <p>1s. 6d. a day each adult, for first 10 days; after, 8s. a-day until departure, recoverable as above. 2 J. or 1 Stip.</p> |

person who shall, in Ireland, wilfully and knowingly do any of the Acts hereinafter mentioned, in such a manner as may be calculated or tend to provoke animosity between different classes of Her Majesty's subjects, and lead to a breach of the public peace, shall be guilty of a misdemeanor; that is to say, the publicly exhibiting or displaying upon any building or place, or the wilfully permitting or suffering to be publicly exhibited or displayed upon any building or place, any banner, flag, or party emblem, or symbol, or the publicly meeting and parading with other persons, or the playing of any music, or discharging any cannon or firearm in any public street, road, or place." And the second section gives the Justice power, upon sworn information that such exhibition is likely to lead to a breach of the peace, to issue his warrant authorizing the removal and detention of such prohibited banners, &c.

| Offence, or cause of Complaint.                                                                                                                                                         | Statute.                    | Extent of Jurisdiction.                                                                                                              |
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| <b>PASSENGER SHIPS—continued.</b>                                                                                                                                                       |                             |                                                                                                                                      |
| In case of wreck or damage, passage to be provided within certain time (6 weeks), and subsistence money paid in meantime. In default—                                                   | 18 & 19 Vic. c. 119, s. 51. | Return of all passage-money paid, recoverable as above.                                                                              |
| Landing passenger at any other than port contracted for, unless with consent, or rendered necessary by perils of the sea.                                                               | s. 56.                      | Penalty not exceeding £50, nor less than £10; in default of payment, imprisonment not exceeding 3 months H.L. 2 J. or 1 Stipendiary. |
| Section 58 preserves passengers' right of action.                                                                                                                                       |                             |                                                                                                                                      |
| <i>Passage-Brokers' and Agents' Offences.</i> —Passage-broker acting without licence.                                                                                                   | s. 66.                      | Penalty not exceeding £50, nor less than £20; recoverable as above.                                                                  |
| Licence not required by passage-broker's agent; but broker to be responsible for agents.                                                                                                |                             |                                                                                                                                      |
| Passage-brokers to employ no agents except expressly appointed by them; and agent to produce his appointment on demand. For non-compliance by either—                                   | s. 69.                      | Penalty not exceeding £50, nor less than £20; in default of payment, imprisonment not exceeding 3 months H.L. 2 J. or 1 Stipendiary. |
| Persons, by false representations or fraud, inducing any other to engage passages.                                                                                                      | s. 70.                      | Penalty not exceeding £20, nor less than £5, recoverable as before.                                                                  |
| Altering, inducing persons to part with, or destroying ticket.                                                                                                                          | s. 72.                      | Penalty not exceeding £20; in default of payment, imprisonment not exceeding 3 months.                                               |
| Where disputes arise touching stipulations in contract ticket, passenger has the option of having it heard and decided by Justices, who may enforce order, as in recovery of penalties. | s. 73.                      | —                                                                                                                                    |
| <i>Runners.</i> —Persons acting as "Emigration Runners" without licence, not wearing badge, and passage-broker employing them.                                                          | s. 75.                      | Penalty not exceeding £5, nor less than 20s.; in default of payment, imprisonment not exceeding 3 months, recoverable as above.      |
| Permitting any other to wear his badge; persons counterfeiting, or using badges not issued to them.                                                                                     | s. 78.                      | Penalty not exceeding £5; in default of payment, imprisonment not exceeding 3 months.                                                |
|                                                                                                                                                                                         |                             | 2 J. or 1 Stipendiary.                                                                                                               |

| Offence, or cause of Complaint.                                                                                                                                   | Statute.                                          | Extent of Jurisdiction.                                                                                                                                                                 |
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| <b>PASSENGER SHIPS—continued.</b>                                                                                                                                 |                                                   |                                                                                                                                                                                         |
| <i>Procedure for Penalties.</i> —Penalties to be sued for by emigration officer, or other authorized officers, as therein.                                        |                                                   |                                                                                                                                                                                         |
| Passage, subsistence, and compensation moneys may be sued for by passenger, or by such officer as aforesaid on his behalf.                                        | 18 & 19 Vic.<br>c. 119, s. 84.                    | —                                                                                                                                                                                       |
| If information be made on oath and there is reason to suspect that party is likely to abscond, Justice may issue warrant, in the first instance, without summons. | s. 85.                                            | —                                                                                                                                                                                       |
| For forms to be used in proceedings, see Act, and see amended Act.                                                                                                | 26 & 27 Vic.                                      |                                                                                                                                                                                         |
| <b>PAWNBROKERS:*</b>                                                                                                                                              |                                                   |                                                                                                                                                                                         |
| Disputes as to re-delivery of goods, or money to be paid, determinable.                                                                                           | 26 Geo. iii.<br>c. 48, s. 4.<br>(Irish.)<br>s. 5. | If under 40s. 1 J.<br>If over 40s. 2 J.                                                                                                                                                 |
| Taking pledges and neglecting to enter particulars in book (as required by the section) and give proper duplicates.                                               | s. 5.                                             | Penalty not exceeding 40s., by distress.                                                                                                                                                |
| Knowingly or unlawfully pawning another's goods without consent.                                                                                                  | s. 8.                                             | Forfeiture 20s.: in default, &c., 14 days imprisonment. 1 J.<br>If paid to be applied in making satisfaction to aggrieved, and in costs of prosecution, residue to be applied as fines. |

\* *Pawnbroker may be compelled to produce Books, &c.*, sec. 29—"It shall be lawful for any Justice of the Peace, upon complaint made to him on the oath of one or more credible witness or witnesses, respecting any dispute between pawnbrokers and the persons who shall have pawned goods, or respecting any felony or other matter, which in the judgement of such Justice shall make the production of any book, duplicate, voucher, or other paper necessary, which shall or ought to be in the hands, custody or power of any pawnbroker, to summon such pawnbroker before him to attend with any book, duplicate, voucher or other paper which he or she may have in his or her custody or power relating to the same, and which he or she is hereby required to produce before such Justice, in the state the same was made at the time the pawn or pledge was received, without any alteration, erasure or obliteration whatever; and in case such pawnbroker shall neglect or refuse to attend, or to produce the same in its true and perfect state as aforesaid, such pawnbroker shall forfeit and pay the sum of £5, to be levied by distress."

It would appear that under the above section where a *dispute* may arise between the pawnbroker and the person pawning, and when a charge of *felony, &c.*, may be brought against any other person known or unknown, or in any preliminary inquiry

| Offence, or cause of Complaint.                                                                                                                                                                                                                               | Statute.                           | Extent of Jurisdiction.                                                                                                                        |
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| <b>PAWNBROKERS—continued.</b><br>If proved before Justice that goods have been injured whilst in pawn through neglect.*                                                                                                                                       | 26 Geo. iii. c. 43, s. 9. (Irish). | A reasonable satisfaction to be allowed owner, to be deducted from principal and interest, and goods to be restored on tendering balance. 1 J. |
| Knowingly buying, or taking in pledge, linen or apparel, intrusted to another to wash, mend, make up, &c.                                                                                                                                                     | a. 10.                             | Forfeit double the sum lent, recoverable as other forfeitures, and to restore the goods to owner in presence of Justice. 1 J.                  |
| On complaint on oath respecting disputes, &c., Justice may summon pawnbroker, and require production of books and papers; for neglect or refusal to do so, or altering books, &c. See section infra.                                                          | a. 29.                             | Penalty £5, by distress; in default, &c., imprisonment, according to Petty Sessions Scale, not exceeding 2 months. 1 J.                        |
| Selling pawns, except as directed by Act.                                                                                                                                                                                                                     | a. 30.                             | Penalty £5, for each offence, besides full value of pledge, by distress, to be applied in making satisfaction to party, residue as fines. 1 J. |
| Appraiser advancing money on pledges, or taking greater interest than 6 per cent.<br>For Appraiser's duties, see Act.<br>Rates of interest, . . . . .                                                                                                         | a. 30.                             | Penalty not less than £10, nor more than £20, by distress. 2 J.                                                                                |
| No pledges to be taken in on Sundays, nor on week-days before 10 o'clock, A.M., nor after 4 o'clock, P.M., between 29th September and 25th March; nor before 10 o'clock, A.M., nor after 7 P.M., between 25th March and 29th September. For non-observance.—† | 28 Geo. iii. c. 49, s. 19. s. 20.  | —<br>Penalty 40s. for each offence; if not paid within 3 days, distress warrant. 1 J.                                                          |

the pawnbroker is bound under a penalty to produce books, vouchers, &c. But should the pawnbroker himself be charged in the summons with feloniously receiving the property it can scarcely mean that he would be bound under pecuniary penalty to bring evidence tending to convict himself.

\* But if destroyed by fire or inevitable accident, and no neglect on the part of pawnbroker, the pawner has no redress under above Act, nor at all.

† Persons trading as pawnbrokers receiving by way of pawn, pledge, or exchange, any goods, &c., for repayment of money lent thereon, without a pawnbroker's licence, penalty £50.—Stamp Act, 5 & 6 Vic. c. 82, s. 17, and continued by subsequent Acts.

| Offence, or cause of Complaint.                                                                 | Statute.                                          | Extent of Jurisdiction.                                                                          |
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| PEACE:<br>See "Sureties to keep the Peace."                                                     |                                                   |                                                                                                  |
| PEACE OFFICER:<br>See "Constable."                                                              |                                                   |                                                                                                  |
| PEACE PRESERVATION ACT:<br>Continued to July, 1864, by—                                         | 23 & 24 Vic.<br>c. 138.<br>25 & 26 Vic.<br>c. 24. | —<br>—                                                                                           |
| PETROLEUM:<br>Act regulating the safe keeping and<br>licensing; and powers of Justices.         | 25 & 26 Vic.<br>c. 66.                            | —                                                                                                |
| PIGS<br>See "Swine;" "Commons."                                                                 |                                                   |                                                                                                  |
| PIGEON:<br>Killing or stealing.<br>See "Larceny."                                               | 24 & 25 Vic.<br>c. 96, s. 28.                     | —                                                                                                |
| PLANTS:<br>See "Vegetable Productions."<br>Also titles, "Larceny," and "Malicious<br>Injuries." |                                                   |                                                                                                  |
| PLAYING:<br>At any game on road or street, to the<br>danger of passengers.                      | 14 & 15 Vic.<br>c. 92, s. 10.                     | Penalty not exceeding<br>10s.; in default, &c.,<br>imprisonment not ex-<br>ceeding 14 days. 1 J. |
| POACHING:<br>See "Game."                                                                        |                                                   |                                                                                                  |
| POISON:                                                                                         | 14 Vic. c. 18.<br>s. 4.                           | —                                                                                                |
| POLICE:<br>See "Constables."                                                                    |                                                   |                                                                                                  |
| POLICE CLAUSES ACT:<br>(See Appendix).                                                          | 10 & 11 Vic.<br>c. 89.                            | Applicable in towns,<br>&c., where it is incor-<br>porated with a <i>special</i><br><i>Act</i> . |

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                 | Statute.                             | Extent of Jurisdiction.                                                  |
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| <p><b>POOR LAW :</b><br/> <i>Deserting Wife or Child.</i>— Every person who shall desert or wilfully neglect to maintain his wife, or any child whom he may be liable to maintain, so that such wife or child shall become destitute, and be relieved in or out of the workhouse of any union in Ireland.*<br/>           (See also title "Married Women.")</p> | <p>10 &amp; 11 Vic. c. 84, s. 2.</p> | <p>Imprisonment not exceeding 3 months, and<br/>           H.L. 1 J.</p> |

\* *Husband's Liability.*—1 & 2 Vic., c. 56, s. 53, enacts—"That for the purposes of this Act, every husband shall be liable to maintain his wife, and every child under the age of fifteen, whether legitimate or illegitimate, which she may have had at the time of her marriage with such husband; and every father shall be liable to maintain his child, and every widow to maintain her child, and the mother of every bastard child to maintain such bastard child, until every such child, respectively, shall attain the age of fifteen years; provided always, and be it declared, that nothing herein contained shall be taken to remove or lessen the obligations to which any husband or parent is by law liable, in regard to the maintenance of his wife or children, legitimate or illegitimate, respectively, independently of this Act." Under this Act it was held that even proof of adultery committed by the wife, would not exonerate the husband from his liability to the Union, "for the purposes of this Act;" and notwithstanding the decision in the case of *King v. Flinton, Bar and A. Q. B.*, Reports 1830. In this case it is decided that "a wife who has left her husband and lives in adultery, a husband is not legally liable to maintain." *Littledale, J.*—"Having rendered herself unworthy of her husband's protection, she returns to the same state as if she were not married." *Parke, J.*—"It would be strange if the Court could hold that a man was not liable for the supply of necessaries to his wife, and yet, that not supplying them rendered him a vagrant." *Bayly, J.*—"A man is criminally answerable for refusing to maintain any of his family, whom he is legally bound to maintain; that obligation must be made out, and it is not established in the case of a wife who has left her husband and lives in adultery." The offence is now punishable, as will be seen above, under 10 & 11 Vic., c. 84, s. 2; and by this Act, so much of the 1 & 2 Vic., c. 56, as provides for the punishment of persons deserting their wives and children is repealed; but section 53 of the first Act is not introduced or referred to in the latter statute. So it would now seem that the husband is punishable only in those cases where he is, and always was, legally and civilly liable independently of these Acts.

This is not a prosecution by the wife. It is one at suit of the guardians against the husband, and although perhaps she can alone prove the *desertion*, she is not it would appear a competent witness "for or against her husband." But it may be proved without her. If he is aware of her being in the workhouse and does not look after her, or if he has quit his residence without making provision for her, or sending her relief. In all cases it would be the duty of the relieving officer on admitting a married woman to workhouse relief to make the necessary inquiries, and if the residence of the husband be known, to acquaint him with the fact,—of course if he still refuse to support her, the Relieving Officer could prove the case. Should the wife leave the husband, as is frequently the case, on account of his cruel treatment, and seek relief in the workhouse, this would not be a desertion within the meaning of the Act, for any such ill treatment she may prosecute herself, and the Magistrates could punish him.

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                | Statute.                                     | Extent of Jurisdiction.                                                                                                                                                                                                                 |
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| <b>POOR LAW—continued.</b>                                                                                                                                                                                                                                                                                     |                                              |                                                                                                                                                                                                                                         |
| <i>Liability of Children.</i> —Where any poor person shall, through old age, infirmity, or defect, be unable to support himself, every child of such poor person shall be liable, according to his ability, to support or contribute to support such poor person; and if relieved by the union under this Act— | 1 & 2 Vic. c. 56, s. 57.                     | Justices may make an order for payment of the relief given; recoverable as a penalty.                                                                                                                                                   |
| Refusing to be lodged or maintained in workhouse; or absconding therefrom, while his wife or child receives relief therein.                                                                                                                                                                                    | s. 58.                                       | Imprisonment not exceeding 1 month H.L.<br>1 J.                                                                                                                                                                                         |
| <i>Insubordination.</i> —Persons maintained in workhouse refusing to work, guilty of drunkenness, insubordination to officers, disobedience to prescribed rules, or other misbehaviour therein.                                                                                                                | "                                            | Like.                                                                                                                                                                                                                                   |
| <i>Spirits, &amp;c.</i> —Introducing, or attempting to introduce, spirituous or fermented liquors, contrary to orders of Commissioners.                                                                                                                                                                        | "                                            | Like.                                                                                                                                                                                                                                   |
| Officers wilfully disobeying the legal and reasonable orders of the Guardians.                                                                                                                                                                                                                                 | s. 100.                                      | Penalty not exceeding £5.                                                                                                                                                                                                               |
| Officers purloining, embezzling, wilfully wasting, or misapplying moneys or goods of the union.                                                                                                                                                                                                                | s. 101.                                      | In addition to any other pains and penalties otherwise liable to, shall forfeit a sum not exceeding £20, and treble the value of property misapplied, and loss of office; in default, &c., imprisonment not exceeding 3 months.<br>2 J. |
| Wilfully neglecting, or disobeying the sealed or stamped orders of the Commissioners.                                                                                                                                                                                                                          | s. 102.                                      | Penalty not exceeding £5. Second offence, not exceeding £20, nor less than £5; in default, &c., imprisonment not exceeding 3 months.<br>2 J.                                                                                            |
| <i>Rates.</i> —Making and collecting of rates.                                                                                                                                                                                                                                                                 | 1 & 2 Vic. c. 56.<br>6 & 7 Vic. c. 92, s. 2. | Subsequent offence: indictable misdemeanor.<br>—                                                                                                                                                                                        |

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                              | Statute.                                                           | Extent of Jurisdiction.                                                                                           |
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| <b>POOR LAW—continued.</b><br>Persons having custody of rate, refusing to permit persons affected thereby to take copies or extracts.                                                                                                                                                                                        | 1 & 2 Vic. c. 56, s. 70.                                           | Penalty not exceeding 10s., by distress; in default, &c., imprisonment not exceeding 14 days.                     |
| <i>Vagrants and Beggars.</i> —Every person wandering abroad, and begging, or placing himself in any public street, highway, court, or passage, to beg or gather alms, or causing or procuring any child or children so to do, or going from union to union, or from one electoral or relief district to another, for relief. | 10 & 11 Vic. c. 84, s. 3.                                          | If Justice think fit, shall be imprisoned not exceeding 1 month. 1 J. See title "Vagrancy," and note thereon.     |
| <i>Illegitimate Children.</i> —Guardians may recover by Civil Bill Process, costs of maintenance of illegitimate children while under 14 years, and in receipt of relief, from putative father.                                                                                                                              | 26 Vic. c. 21. s. 2.                                               | Mother to make affidavit in form given in Act, before a Justice, stating who is the father before Process served. |
| Copy, Affidavit, &c., to be served with Civil Bill. Mother to be examined before Chairman, her evidence must be corroborated.                                                                                                                                                                                                | s. 3.                                                              | After Decree given, evidence of mother not necessary in subsequent proceedings for recovery.                      |
| Payment by putative father previous to hearing, to stop proceedings, and such payment to be proof of his being the father.                                                                                                                                                                                                   | s. 4.                                                              |                                                                                                                   |
| <i>Poor removal of paupers from England to Ireland, regulated by—</i><br>The last Act provides punishment (a misdemeanor) for deserting pauper on the journey, and a summary penalty for violating 6 sec. of 24 & 25 Vic., c. 76.                                                                                            | 24 & 25 Vic. c. 76.<br>25 & 26 Vic. c. 118.<br>26 & 27 Vic. c. 89. |                                                                                                                   |
| <b>POOR RATES:</b><br>Recoverable under* . . . .                                                                                                                                                                                                                                                                             | 1 & 2 Vic. c. 56.<br>6 & 7 Vic. c. 92, s. 2.                       | Before Justices in Petty Sessions. 1 J.                                                                           |

*Poor Removal.*—As it is the law that Irish poor who have not acquired a settlement in England may on becoming chargeable on the Unions there, be sent to their homes, the legislature have in the above Acts provided as far as possible for their wants on the passage.

\* The Court of Queen's Bench has decided that houses not occupied when a poor rate is made are not liable to it.—1 *Ir. Law. Rep. N. S.*, 76.



| Offence, or cause of Complaint.                                                                                                                                                                                                                                                   | Statute.                                                          | Extent of Jurisdiction.                                                                                                                                                              |
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| <b>POOR RATES—continued.</b><br>For power of appeal against rate, see—<br>Against valuation, . . . . .                                                                                                                                                                            | 1 & 2 Vic.<br>c. 56, s. 106, &c.<br>15 & 16 Vic.<br>c. 63, s. 22. | —<br>—                                                                                                                                                                               |
| <b>POST OFFICE:*</b><br><i>Letter Carriers.</i> —Guilty of drunkenness, carelessness, negligence, or other misconduct, whereby safety of letters may be endangered; or collecting or delivering otherwise than in the ordinary course of the post; loitering or misspending time. | 1 Vic. c. 36.<br>ss. 7 & 14.                                      | Forfeiture not exceeding £20; in default, &c., imprisonment not less than 3 months, and not exceeding 6 months, if penalty amount to £20; and if under, not exceeding 3 months. 1 J. |
| Sums of money due for postage not exceeding £20, or due from any deputy, agent, or letter-carrier, or other person employed, or from sureties.                                                                                                                                    | 1 Vic. c. 36,<br>s. 43.                                           | Recoverable before one Justice of the Peace by distress; and if insufficient distress, may be committed until paid.                                                                  |
| Witnesses neglecting to attend on summons without reasonable excuse.                                                                                                                                                                                                              | ss. 14 & 20.                                                      | Forfeiture not exceeding £10, recoverable as penalty in section 7 and 14 above. 1 J.                                                                                                 |
| For embezzling, secreting, or fraudulent detention of letters, &c., which are indictable offence, see Act, and the Indictable Offences Index, hereinafter.                                                                                                                        |                                                                   |                                                                                                                                                                                      |
| <b>POSSESSION (of Small Tenements):</b><br>See "Landlord and Tenant."                                                                                                                                                                                                             |                                                                   |                                                                                                                                                                                      |
| <b>POULTRY:</b><br>Any person who shall steal, or injure with intent to steal, any turkey, goose, or other poultry (value not exceeding 5s.)                                                                                                                                      | 25 & 26 Vic.<br>c. 50, s. 8.                                      | Penalty not exceeding 20s.; or to be imprisoned for not exceeding 2 weeks. 1 J.                                                                                                      |
| <b>POUND:</b><br>Two or more Justices empowered to license pound keeper.<br>Pound-keeper to enter into recognizance.                                                                                                                                                              | 14 & 15 Vic.<br>c. 92, s. 19.                                     | —                                                                                                                                                                                    |

\* Provisions of Petty Sessions (Ireland) Act not applicable to prosecutions under the above Act. The proceedings are generally conducted by the Post Office solicitor.

| Offence, or cause of Complaint.                                                                                                                                                                                    | Statute.                      | Extent of Jurisdiction.                                                                                                                                                                   |
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| <b>POUND</b> — <i>continued.</i><br>When owner of straying animal not known, it may be sold after publicity; proceeds applied as in section.                                                                       | 14 & 15 Vic.<br>c. 92, s. 19. | —                                                                                                                                                                                         |
| Pound-keeper acting without authority, not entering into recognizance, not keeping pound clean, &c., demanding more than legal fees, omitting to post tables or give notices, or liberating without authority, &c. | "                             | Penalty not exceeding £10; in default, &c., imprisonment not exceeding 3 months. 1 J.                                                                                                     |
| Persons rescuing distresses, or injuring pounds, or liberating distresses.                                                                                                                                         | "                             | Compensation for injury; and fine not exceeding £10; in default, &c., imprisonment not exceeding 3 months. 1 J. Or Justice may, if he think fit, send case for trial to Quarter Sessions. |
| Any person impounding elsewhere than in licensed pound, or omitting to give notice, or overdriving or injuring animals.                                                                                            | "                             | Penalty not exceeding £5; in default, &c., imprisonment not exceeding 2 months. 1 J.                                                                                                      |
| Pound-keeper to deliver up animal on authority of Justice, or on being paid trespass, and fees, rates, &c.; neglecting, &c.                                                                                        | s. 20.                        | Like penalty.                                                                                                                                                                             |
| Pound-keeper's fees,* . . . .                                                                                                                                                                                      | s. 19.                        | —                                                                                                                                                                                         |

\* *Pound-keeper's Fees*—14 & 15 Vic., c. 92, sec. 19.—Every pound-keeper shall be entitled to receive from the person by whom any animal shall be impounded in such pound, or from the owner, when such animal shall be delivered up to such owner by proper authority, the following pound fees:—

|                                                                                                                        | s. | d. |
|------------------------------------------------------------------------------------------------------------------------|----|----|
| For any one horse, mare, mule, or horned beast, for any time not exceeding seventy-two hours, . . . . .                | 0  | 6  |
| And for any greater number of same, for same period, each, . . . . .                                                   | 0  | 8  |
| And if impounded for longer than seventy-two hours, one-half of the above sums for every additional seventy-two hours. |    |    |
| For any one sheep, calf, lamb, goat, or pig, for any period not exceeding seventy-two hours, . . . . .                 | 0  | 2  |
| And for any greater number of same, for the same period, each, . . . . .                                               | 0  | 1  |
| And if impounded for longer than seventy-two hours, one-half the above sums for every additional seventy-two hours.    |    |    |

*Sustenance.*—He shall also be entitled to demand and receive from the like owner or person, as the case may be, such sum for the sustenance of any such animals, for

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                             | Statute.                                                                  | Extent of Jurisdiction.                                                                         |
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| <b>POUND—continued.</b><br>Rates of trespass,* . . . . .                                                                                                                                                                                                                                                                                                                                                                    | 14 & 15 Vic.<br>c. 92, s. 20.                                             | Penalty not exceeding<br>£5; in default, &c.,<br>imprisonment not ex-<br>ceeding 2 months. 1 J. |
| Any person impounding an animal<br>found trespassing, where the owner<br>is known to him, or without giving<br>pound-keeper the required notice.                                                                                                                                                                                                                                                                            | "                                                                         |                                                                                                 |
| <b>PRECEPT (to restrain Waste):</b><br>See "Landlord and Tenant."                                                                                                                                                                                                                                                                                                                                                           |                                                                           |                                                                                                 |
| <b>PRESENTMENT SESSIONS:</b><br>Act regulating and prescribing duties<br>of Magistrates at Special Present-<br>ment Sessions.— <i>Grand Jury Act.</i><br>The Justices of the Peace (not being<br>Stipendiary Magistrates) of every<br>county, &c., in Ireland, are required<br>to assemble with the cesspayers<br>associated to hold special or pre-<br>sentment sessions at time and place<br>appointed by the Grand Jury. | 6 & 7 Wm. iv.<br>c. 116.<br><br>s. 4,<br>and<br>7 Wm. iv.<br>c. 2, s. 14. | —<br><br>—                                                                                      |
| <b>PRISONS:</b><br>See "Gaol," &c.                                                                                                                                                                                                                                                                                                                                                                                          |                                                                           |                                                                                                 |

the time during which they shall be so impounded, as the said Justices shall fix as the proper rates of sustenance for animals impounded in such pound, and which they are hereby required to do by writing under their hands.

\* *Rates of Trespass*—14 & 15 Vic., c. 92, sec. 20—Where the trespass shall be on any common pasture land, or on any arable uncropped land, the rate shall be:—

|                                                                                       | s. | d. |
|---------------------------------------------------------------------------------------|----|----|
| For every horse, mare, pony, mule, ass, bull, cow, bullock, heifer, or pig, . . . . . | 0  | 6  |
| For every calf, sheep, or lamb, . . . . .                                             | 0  | 2  |
| For every goose, . . . . .                                                            | 0  | 1  |
| For every other fowl, . . . . .                                                       | 0  | 0½ |
| For every goat, . . . . .                                                             | 3  | 0  |

And where the trespass shall be upon any fattening pasture or meadow land, or upon any land cropped with corn, peas, flax, vetches, turnips, rape, potatoes, green crop, or other cultivated vegetable, or by any goat in a plantation, the rates shall be double the amount of the preceding rates.

When parties are not satisfied, Justices to investigate the case and award the legal rates; the principle upon which award shall be made to be the above rate for the first trespass, double for a second, and treble for subsequent trespasses (whether any actual damage done or not), unless Justices shall be satisfied that trespass was caused by occupier's neglect, or that there are justifying circumstances, in which case they may declare him to be entitled either to no rates, or to a part only of the rates: but in case actual damage done, Justices may award such additional sum as will amount to compensation.

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                     | Statute.                                                            | Extent of Jurisdiction.                                                                                                                                                                                     |
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| PROCESSIONS :<br>See "Party Processions."                                                                                                                                                                                                                                                                                                           |                                                                     |                                                                                                                                                                                                             |
| PROCLAMATION :*<br>Under "Riot Act."                                                                                                                                                                                                                                                                                                                | 27 Geo. iii.<br>c. 15, s. 2.<br>s. 4.                               | —<br>—                                                                                                                                                                                                      |
| If persons so unlawfully assembled, or twelve or more of them, shall continue together and not disperse within one hour after proclamation made, they may be apprehended.                                                                                                                                                                           |                                                                     |                                                                                                                                                                                                             |
| PROSTITUTES :<br>Common prostitute or night-walker loitering and importuning passengers for the purpose of prostitution, —under Police Clauses Act—<br>For like offence, or being <i>otherwise offensive</i> , under "Towns' Improvement Act."                                                                                                      | 10 & 11 Vic.<br>c. 89, s. 28.<br><br>17 & 18 Vic.<br>c. 103, s. 72. | Penalty not exceeding 40s., or imprisonment not exceeding 14 days. 1 J.<br>Penalty not exceeding 40s.; in default, &c., imprisonment not exceeding 3 months. 1 J.<br>See which Act is in force in district. |
| PROSTITUTES ( <i>at Naval or Military Stations</i> ).†<br><i>Examinations</i> .—On information on oath that there is reason to believe the woman therein named is a common prostitute, and resides within limits to which Act applies, or being resident within 5 miles, has been within 14 days within the limits for the purpose of prostitution. | 29 Vic. c. 35.<br>s. 15.                                            | Justice may issue notice (as in Schedule) to such woman.                                                                                                                                                    |

\* By section 2, "The Justice or other person authorized to make the proclamation shall, amongst the said rioters, or as near to them as he can safely come, with a loud voice command silence to be kept whilst proclamation is making; and after that shall, with a loud voice, make proclamation with these words, or like in effect: 'Our Sovereign Lord the King chargeth and commandeth all persons being assembled immediately to disperse themselves and peaceably to depart to their habitations, or to their lawful business, upon the pains contained in the Act made in the twenty-seventh year of King George the Third, to prevent tumultuous risings and assemblies.'"

The Magistrate should read the proclamation correctly. For "Our Sovereign Lord the King," he may substitute "Sovereign Lady the Queen."

† Act applicable to places in Schedule. In Ireland, to the Borough of Cork, town of Queenstown, the Curragh. It is called "An Act for the better prevention of contagious diseases at certain Naval and Military Stations."

The place where the truth of statements in Information or Application under Act, may be inquired into, not to be deemed an open Court unless the woman so desires.

| Offence, or cause of Complaint.                                                                                                                                                                                    | Statute.                                    | Extent of Jurisdiction.                                                                                                                                                  |
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| <p><b>PROSTITUTES—<i>continued.</i></b><br/>           The woman appearing, or some one on her behalf, or not appearing in proof that notice was duly served. Copy order (G. Schedule), to be served on her.</p>   | <p>29 Vic. c. 85,<br/>           s. 16.</p> | <p>Justice may order that she shall be subject to periodical medical examination for not exceeding one year at times to be named in order.</p>                           |
| <p>Any such woman may voluntarily submit to such periodical examination for a year.</p>                                                                                                                            | <p>s. 17.</p>                               |                                                                                                                                                                          |
| <p>As to liability to be detained in hospital, if found affected with contagious (<i>venereal</i>) disease.</p>                                                                                                    | <p>ss. 20 to 24.</p>                        |                                                                                                                                                                          |
| <p>On discharge from hospital may, without expense, be sent to her residence if she so desires.</p>                                                                                                                | <p>s. 27.</p>                               |                                                                                                                                                                          |
| <p><i>Penalties.</i>—Woman absenting from examination, or refusing or wilfully neglecting to submit to examinations—</p>                                                                                           | <p>s. 28.</p>                               | <p>First offence, imprisonment not exceeding 1 month, with or without H.L. 1 J.</p>                                                                                      |
| <p>Second, or subsequent offence—</p>                                                                                                                                                                              | <p>„</p>                                    | <p>Not exceeding 8 months, with or without H.L., 2 J.</p>                                                                                                                |
| <p>Order for examination to remain in force unless certified to be free from disease.</p>                                                                                                                          | <p>ss. 29 &amp; 30.</p>                     |                                                                                                                                                                          |
| <p>Woman quitting hospital uncured, receiving notice to that effect, and and found afterwards for the purpose of prostitution, without a medical certificate that she is free from contagion.</p>                  | <p>s. 31.</p>                               | <p>Imprisonment, with or without H.L.<br/>           First offence not exceeding 1 month.<br/>           Second, or subsequent offence, not exceeding 3 months. 2 J.</p> |
| <p><i>Relief from Examinations.</i>—On discontinuance of prostitution, or entering into recognizance for good behaviour for 8 months.</p>                                                                          |                                             |                                                                                                                                                                          |
| <p><i>Harboursing.</i>—Owner or occupier of any house or place permitting any prostitute to resort to house or place, having reasonable cause to suspect her to be such, and affected with contagious disease.</p> | <p>s. 36.</p>                               | <p>Penalty not exceeding £20, or may be imprisoned for not exceeding 6 months, with or without H.L. 2 J.</p>                                                             |
| <p>(Not to exempt such person from consequences of keeping bawdy house, &amp;c.)</p>                                                                                                                               |                                             |                                                                                                                                                                          |
| <p>Forms of Procedure given in Schedule to Act.</p>                                                                                                                                                                |                                             |                                                                                                                                                                          |
| <p>Proceedings to be according to Petty Sessions Act.</p>                                                                                                                                                          |                                             |                                                                                                                                                                          |

| Offence, or cause of Complaint.                                                                                                          | Statute.                         | Extent of Jurisdiction. |
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| <b>PROVISIONS:</b><br>See "Frauds," &c.<br>"Adulteration."                                                                               |                                  |                         |
| <b>PUBLIC HEALTH:</b><br><b>THE SANITARY ACT, 1866.</b>                                                                                  | 29 & 30 Vic.                     |                         |
| Acts incorporated:—<br>The Sewage Utilization Act, 1865.                                                                                 | c. 90.<br>28 & 29 Vic.<br>c. 75. |                         |
| The Nuisance Removal Act, 1855.                                                                                                          | 18 & 19 Vic.<br>c. 121.          |                         |
| The Disease Prevention Act, 1855.                                                                                                        | 18 & 19 Vic.<br>c. 116.          |                         |
| The Nuisance Removal and Diseases<br>Prevention Amendment Act, 1860.                                                                     | 23 & 24 Vic.<br>c. 77.           |                         |
| The Nuisances Removal Act Amend-<br>ment Act, 1863.                                                                                      | 26 & 27 Vic.<br>c. 117.          |                         |
| Extracts from the Medical Charities<br>(Ireland) Act.                                                                                    | 14 & 15 Vic.<br>c. 68.           |                         |
| Extracts from the Public Health Act,<br>1848.                                                                                            | 11 & 12 Vic.<br>c. 63.           |                         |
| Extracts from the Local Government<br>Act, 1858.                                                                                         | 21 & 22 Vic.<br>c. 98.           |                         |
| Extracts from the Local Government<br>Act (1858) Amendment Act, 1861.                                                                    | 24 & 25 Vic.<br>c. 61.           |                         |
| <i>Orders</i> which Justices are empowered<br>to make:—                                                                                  |                                  |                         |
| May make order for entry into pre-<br>mises where nuisance is believed<br>to exist, and summon the person<br>by whose default it arises. | 18 & 19 Vic.<br>c. 121, s. 11.   |                         |
| — Order for abatement of Nuisance.                                                                                                       | s. 13.                           |                         |
| — Order for structural improvement<br>where necessary.                                                                                   | ss. 13 to 16.                    |                         |
| — Order to prohibit re-occurrence.                                                                                                       | s. 13.                           |                         |
| — Order prohibiting use of building<br>for human habitation, if "proved<br>unfit."                                                       |                                  |                         |

The entire of some and portions of others, the above Acts have been by the *Sanitary Act of 1866*, (29 & 30 Vic., c. 90), extended to Ireland. They are very voluminous, and in order to be understood demand a careful perusal.

*Powers under other Acts.*—Not impaired or abridged, nor is the power of abating Nuisances at *Common Law* taken away, (18 & 19 Vic., c. 121, s. 48).

*Recovery of penalties and expenses.*—In Ireland all penalties and expenses for compensation directed under the Act to be recovered in a summary manner, are to be recovered in manner directed by the Petty Sessions (Ireland) Act 1851, or any Act

| Offence, or cause of Complaint.                                                                                                                                                 | Statute.                          | Extent of Jurisdiction.                                                                                                              |
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| <b>PUBLIC HEALTH ACT—continued.</b>                                                                                                                                             |                                   |                                                                                                                                      |
| — Order, when person by whose default nuisance arises, or owner or occupier not known, may address order to nuisance authority, to be executed.                                 | 18 & 19 Vic.<br>c. 121.<br>s. 17. |                                                                                                                                      |
| — Order, on proceedings taken by nuisance authority to abate overcrowding of house inhabited by more than one family.                                                           | s. 29.                            |                                                                                                                                      |
| — On complaint of inhabitant may proceed in relation to any alleged nuisance on private premises, as if complaint had been made by the nuisance authority.                      | 23 & 24 Vic.<br>c. 77, s. 13.     |                                                                                                                                      |
| <i>Penalties:—</i>                                                                                                                                                              |                                   |                                                                                                                                      |
| <i>Drains.</i> — For causing drain to empty into the sewer of sewage authority without giving notice and otherwise complying with the provisions of Act in that respect.        | 29 & 30 Vic.<br>c. 90, s. 8.      | Penalty not exceeding £20; in default, &c., imprisonment not exceeding 4 months. 2 J.                                                |
| <i>Contagious Diseases.</i> — For omitting to cleanse and disinfect premises and articles therein likely to retain contagion, when required so to do by the nuisance authority. | s. 22.                            | Penalty not less than 1s. and not exceeding 10s. a day; during default imprisonment in proportion, as in Petty Sessions' scale. 2 J. |
| For any person entering a public conveyance while suffering from a dangerous infectious disorder, without so notifying to owner or driver.                                      | s. 25.                            | Penalty not exceeding £5; in default, &c., imprisonment not exceeding two months. 2 J.                                               |
| Also liable to pay owner or driver any loss or expenses incurred under this Act.                                                                                                |                                   |                                                                                                                                      |
| Owner or driver not required to convey such person until first paid a sum sufficient to cover expense, &c.                                                                      |                                   |                                                                                                                                      |

amending the same, and all penalties recovered by any authority under above Acts, shall be paid to them accordingly, 29 & 30 Vic., c. 90, s. 60,—(and as to summary mode of recovering the costs of orders, see 18 & 19 Vic., c. 121, s. 20).

*Penalties under Quarantine Act*, 6 Geo. iv., c. 78.—May be reduced by the Justices or Court having jurisdiction in respect of such penalties to such sum as the Justices or Court may think just, 29 & 30 Vic., c. 90.

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Statute.                                                                                                                              | Extent of Jurisdiction.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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| <p><b>PUBLIC HEALTH—THE SANITARY ACT, 1866.—continued.</b></p> <p>For offending against rules made by nuisance authority for removing to and keeping in hospital persons infected with infectious disorder, who are brought into the district by any ship or boat (contrary to rules of Lord Lieutenant in council.)</p> <p><i>Lodging Houses.</i>—For default in obeying regulations of Nuisance authority as to “<i>Common Lodging Houses</i>”—when regulations confirmed by Lord Lieutenant. (Not applicable to Common Lodging Houses within provisions of Common Lodging House Act, 1851, or any amended Act.)</p> <p>Where two convictions against provisions of any Act, within three months, as to overcrowding of a house or occupation of a cellar as a separate dwelling, two Justices may order same to be closed.</p> <p><i>Infectious Disorders.</i>—For wilful exposure without proper precaution of any person suffering from dangerous infectious disorder, by the person himself, or person in charge.</p> <p>Owner or driver omitting immediately to provide for disinfection of public conveyance so used with his knowledge.</p> <p>Giving, lending, selling or transmitting without previous disinfection, bedding, clothing, or other articles which have been exposed to infection (save when transmitted with proper precaution to be disinfected.)</p> <p>For knowingly letting houses or rooms in which any person suffering from dangerous disorders has been, without having same disinfected, and obtaining Medical Certificate to that effect.</p> <p><i>Damage.</i>—For wilfully damaging any works or property belonging to a sewer or nuisance authority.</p> | <p>29 &amp; 30 Vic.<br/>c. 90, s. 29.</p> <p>s. 35.</p> <p>s. 36</p> <p>s. 38.</p> <p>s. 38.</p> <p>”</p> <p>s. 39.</p> <p>s. 45.</p> | <p>Like.</p> <p>First offence, penalty not exceeding 40s., with an additional penalty not exceeding 20s. a day during default; in default, &amp;c., imprisonment by Petty Sessions’ scale. 2 J.</p> <p>Penalty not exceeding £5; in default, &amp;c., imprisonment not exceeding 2 months. 1 J.</p> <p>Like.</p> <p>Like.</p> <p>Penalty not exceeding £20; in default, &amp;c., imprisonment not exceeding 4 months. 2 J.</p> <p>Penalty not exceeding £5; in default, &amp;c., imprisonment not exceeding 2 months. 2 J.</p> |



| Offence, or cause of Complaint.                                                                                                                                                                                          | Statute.                         | Extent of Jurisdiction.                                                                                                    |
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| <b>PUBLIC HEALTH—THE SANITARY ACT, 1866.—continued.</b>                                                                                                                                                                  |                                  |                                                                                                                            |
| <i>Manure.</i> —For omitting the periodical removal of manure or other refuse matter after notice by nuisance authority.                                                                                                 | 29 & 30 Vic. c. 90, s. 53.       | Penalty 20s. a day while manure permitted to accumulate; in default, &c., imprisonment by Petty Sessions' scale. 2 J.      |
| <i>For obstructing</i> persons employed in executing the "Diseases Prevention Act (18 & 19 Vic. c. 116.)                                                                                                                 | 18 & 19 Vic. c. 116, s. 14.      | Penalty not exceeding £5; in default, &c., imprisonment not exceeding 2 months. 2 J.                                       |
| For wilfully violating any direction or regulation of Poor Law Commissioners issued under the Diseases Prevention Act. "General Board of Health," in section, will, in Ireland, be "Poor Law Commissioners.              | "                                | Like.                                                                                                                      |
| <i>For not obeying Justices Order</i> for abatement of nuisance and failing to satisfy Justices that all due diligence has been used.                                                                                    | 18 & 19 Vic. c. 121, s. 18 & 14. | Penalty not exceeding 10s. a day during default; in default, &c., imprisonment by Petty Sessions' scale. 2 J.              |
| Knowingly and wilfully acting contrary to order.                                                                                                                                                                         | "                                | Penalty not exceeding 20s. a day during such contrary action; in default, &c., imprisonment by Petty Sessions' scale. 2 J. |
| <i>Water.</i> —For causing water to be fouled by <i>Gas washings</i> , &c. Penalty £200 recoverable in Superior Courts, and £20 a day for continuance after 24 hours' notice. (And see also 11 & 12 Vic., c. 63, s. 80.) | s. 23.                           |                                                                                                                            |
| <i>Noxious Trades.</i> —For nuisance in carrying on noxious trades, &c., where the best possible means not taken for preventing such.*                                                                                   | s. 27.                           | Penalty not exceeding £5, nor less than 40s.; in default, &c., imprisonment by Scale, not exceeding 2 months. 2 J.         |

\* By the Sanitary Act, 29 & 30 Vic., c. 90 s. 18, a requisition in writing under the hands of ten inhabitants is to be deemed equivalent to the Medical certificate required by the above section.

| Offence, or cause of Complaint.                                                                                                                                                    | Statute.                  | Extent of Jurisdiction.                                                                                                                                        |
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| <b>PUBLIC HEALTH—THE SANITARY Act, 1866.—<i>continued.</i></b><br>Second conviction for such offence.                                                                              | 18 & 19 Vic. c. 121. 27.  | Penalty £10; in default &c., imprisonment not exceeding 3 months.<br>2 J.                                                                                      |
| Subsequent offence. . . . .                                                                                                                                                        | ”                         | Double the penalty for the last preceding conviction; but the highest not to exceed £200; in default, &c., imprisonment by scale not to exceed 1 year.<br>2 J. |
| <i>Proviso.</i> —Justices may suspend final determination on undertaking to adopt best means to abate nuisance or upon appealing.                                                  |                           |                                                                                                                                                                |
| Provisions not applicable to city, town, or populous district.                                                                                                                     |                           |                                                                                                                                                                |
| Party complained against may object to summary adjudication, and undertake, by recognizance, to abide event of proceedings at Law or Equity in Superior Courts.                    | s. 28,                    | Thereupon proceedings before Justices to be abandoned.                                                                                                         |
| <i>For refusing to obey Justices' Order</i> for admission of nuisance authority, or obstructing any person employed in execution of Nuisance Removal Act.                          | s. 36.                    | Penalty not exceeding £5; in default, &c., imprisonment not exceeding 2 months. 2 J.                                                                           |
| If any occupier of premises prevent the owner from obeying or carrying into effect provisions of Act, &c., after 24 hours from service of Justices' order requiring him to desist. | s. 37.                    | Penalty not exceeding £5 a day during non-compliance; in default, &c., imprisonment by scale. 2 J.                                                             |
| <i>Water works. &amp;c.</i> —Doing any act whereby fountain or pump is wilfully damaged, or the water is polluted or fouled.                                                       | 23 & 24 Vic. c. 77, s. 8. | Penalty not exceeding £5, and not exceeding 20s. a day for continuance after notice; in default, &c., imprisonment by scale. 2 J.                              |
| (Not to apply to offence provided against by Nuisance Removal Act, 18 & 19 Vic., c. 121, s. 23.)                                                                                   |                           |                                                                                                                                                                |
| Justices not to be incapable of acting by being members of bodies to execute Nuisance Removal Act.*                                                                                | s. 16.                    |                                                                                                                                                                |

\* 23 & 24 Vic., c. 77, s. 16.—“No Justice of the Peace shall, unless objected to at\* the hearing of any complaint or charge, be deemed incapable of acting in cases other than Appeals arising under the said Nuisance Removal Act, by reason of his being a member of any body hereby declared to be the Local Authority to execute

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Statute.                                                                                               | Extent of Jurisdiction.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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| <p><b>PUBLIC HEALTH—THE SANITARY ACT, 1866.—<i>continued.</i></b><br/> <i>Unwholesome Food.</i>—Exposing, depositing, or preparing for sale, and intended for food of man (proof to contrary resting on party charged) animal, carcass, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, or flour, diseased, unsound, or unwholesome or unfit for food of man. Medical officer of Health, or Inspector of Nuisances, may cause same to be seized.</p> <p>Obstructing officer or his assistants, &amp;c., in carrying out provisions of Act.</p> <p><i>Cellars, &amp;c., Newly built,</i> not to be let as dwelling rooms, and no cellars, &amp;c. to be let unless of the dimensions and furnished and provided with requisites in section. (Proviso as to time allowed after passing of Act, and publicity of this provision).</p> <p>Wilfully or carelessly injuring water works, cocks, pipes, &amp;c., or wasting water, or diverting streams, &amp;c., for every offence—<br/>         (Not to prevent owner of premises through which streams may flow from using as heretofore.)</p> | <p>26 &amp; 27 Vic. c. 117, s. 2.</p> <p>s. 3.</p> <p>11 &amp; 12 Vic. c. 63, s. 67.</p> <p>s. 79.</p> | <p>Justice may order same to be destroyed, &amp;c., and owner or person in whose possession found, liable on conviction to a penalty not exceeding £20, for every animal, or piece of same, or parcel of fruit, vegetables, corn, bread, or flour so found, or in the discretion of the Justice to imprisonment (without fine) not exceeding 3 months.</p> <p>1 J.</p> <p>Penalty not exceeding £5; in default, &amp;c., imprisonment not exceeding 2 months. 2 J.</p> <p>Penalty not exceeding 20s. every day continued after notice; in default, &amp;c., imprisonment by P. S. scale.</p> <p>2 J.</p> <p>Penalty not exceeding £5; in default, &amp;c., imprisonment not exceeding 2 months; and 20s. a day while continued after notice. 2 J.</p> |

the said Act, or by reason of his being a contributor, or liable to contribute to any rate or fund, out of which it is hereby provided that all charges and expenses incurred in executing the said Act, and not recovered as therein provided, shall be defrayed."

*Authority* under Act may appear before Justices by its Clerk, or any officer or member authorized by them, and institute and carry on proceedings under Acts 29 & 30 Vic., c. 90, s. 48.

*Authorities to enforce Acts.*—In Ireland there are three: Town Councils, Town Commissioners, and Board of Guardians. The two former in all places where they exist are made the Nuisance authority and sewer authority in their respective jurisdictions; in all other places the Nuisance and Sewer authority are vested in the Board of Guardians of the several unions wherein they are situate.

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Statute.                                    | Extent of Jurisdiction.                                                                                                                      |
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| <p><b>PUBLIC HEALTH—THE SANITARY Act, 1866.—continued.</b></p> <p><i>Fouling Water.</i>—Doing, or causing to be done, anything whereby water in streams, reservoirs, water-works, &amp;c., may be fouled, shall for every offence—</p> <p>(Where Gas Companies offend, penalties recoverable by action, and see also 18 &amp; 19 Vic. c. 121, ss. 23, 24, 25.)</p> <p><i>Appeal.</i>—From prohibitive order against further Nuisances, 18 &amp; 19 Vic. c. 121, sec. 15.</p> <p>— Against order of abatement, where structural works are required. See 16 same Act.</p> <p>— Conditions of Appeal. Sec. 40 same Act.</p> <p><i>Forms</i> in Schedule to be used, under 18 &amp; 19 Vic., c. 121, or to like effect.*</p> <p><i>Application of Penalties.</i>—To go to the authority enforcing the Act, 29 &amp; 30 Vic., c. 90, s. 60.</p> | <p>11 &amp; 12 Vic. c. 63, s. 80.</p>       | <p>Penalty not exceeding £5; in default, &amp;c., imprisonment not exceeding 2 months. 2 J. And 20s. a day while continued after notice.</p> |
| <p><b>PUBLICANS AND PUBLIC-HOUSES:</b></p> <p>Publicans or persons obtaining a retail licence, shall, within six days, enter their names, residences, &amp;c., with the Clerk of the Peace. For default—</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p>3 &amp; 4 Wm. iv. c. 68, ss. 10, 24.</p> | <p>Penalty £10, and not less than £2 10s.; in default, distress, &amp;c.† 2 J.</p>                                                           |

\* *Procedure.*—Several persons for same offence may be in one summons, where joint owners or occupiers, one may be proceeded against, "owner," or "occupier," sufficient designation without name, 18 & 19 Vic., c. 121, ss. 33, 34 & 35. Not to be quashed for want of *form* or abate by death of one of several persons, nor removed by certiorari, s. 39.

*Service of Notices, Summons, Orders.*—To be served personally, or given to some person on the premises, or if there be no person who can be so served, then by fixing upon some conspicuous part of premises, or if the person shall reside at a distance of more than five miles from the office of the Inspector, then by a registered letter through the post, 18 & 19 Vic., c. 121, s. 31.

† *Warrant to Levy.*—Section 36 directs that a warrant of distress shall issue in the first instance; and it is only on a return in writing of *nulla bona* that the warrant to commit is to issue:—Not to exceed one month if the penalty unpaid be not above £5, and not to exceed two months if above that sum.



| Offence, or cause of Complaint                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Statute.                                                                                                                       | Extent of Jurisdiction.                                                                                                                                                                                                                                                                                                                             |
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| <p><b>PUBLICANS, &amp;c.—continued.</b><br/> found therein (not being lodgers or inmates), and who shall appear to be, or to have been, recently drinking, tippling, or gaming therein; and any such person refusing to quit, or resisting Justices, constables, &amp;c., may be apprehended; and for the offence—*</p> <p>Soldier offending to be amenable to military discipline. Justice to communicate the offence to commanding officer.</p> <p>Retailers, in whose house or place any person shall be found to be, or to have been, recently drinking, tippling, or gaming, at any hour or time at which the sale of spirits or beer is prohibited.†</p> <p><i>During Riots.</i>—Disobeying order of Justices to close house or place in cases of riot or tumult, and for such length of time as Justices direct. (One Justice may give the order when riot, &amp;c., has commenced; two Justices where it is apprehended or expected to take place.)</p> <p><i>Tents at Fairs and Races.</i>—Not to be open for the sale of spirits, wine, or beer, between 6 in the evening and 9 in the morning, between 1st April and 1st October; and 8 in the evening and 9 in the morning, between 1st October and 1st April, nor at all on Sunday, Good Friday, Christmas day, or public fast or thanksgiving day; and for offending—</p> | <p>3 &amp; 4 Wm. iv.<br/>c. 68, s. 15.</p> <p>s. 16.</p> <p>s. 19.</p> <p>s. 21.</p> <p>6 &amp; 7 Wm. iv.<br/>c. 38, s. 5.</p> | <p>imprisonment not exceeding 1 week. 2 J.</p> <p>—</p> <p>Penalty £2, and not less than 10s., recoverable by distress; in default, &amp;c., imprisonment not exceeding 1 month, 2 J.</p> <p>Like. 2 J.</p> <p>Penalty £2, and not less than 10s., for each offence, by distress; in default, &amp;c., imprisonment not exceeding 1 month. 2 J.</p> |

\* By the 23 & 24 Vic., c. 107, any person drunk, riotous, or disorderly, in a licensed house for sale of beer, spirits, &c., or in a refreshment house, and who shall refuse to quit when requested by the proprietor or his servant, or by a constable, shall be liable to a fine not exceeding 40s.; in default, &c., imprisonment by Petty Sessions Scale, triable before one Justice of the Peace; and constables are required to assist in expelling such persons from the house, shop, &c.

† *Notice previous to Summons.*—So much of sec. 23 as requires notice to be given previous to summons for offences against this and 6 & 7 Wm. iv., c. 38, has been repealed by the 76 sec. of 5 Vic., c. 24, called "The Dublin Police Act," as being unnecessary.

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Statute.                                            | Extent of Jurisdiction.                                                                                                                                                                                             |
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| <p><b>PUBLICANS, &amp;c.—continued.</b><br/>Justices and constables duly authorized may enter tents, &amp;c., during the prohibited hours, and remove persons (not being lodgers or inmates) drinking, tipping, or gaming therein, and for refusing to quit, forcibly resisting, or being found drunk therein, may be apprehended, and being duly convicted—</p>                                                                                                                                                                                                                                                                           | <p>6 &amp; 7 Wm. iv. c. 38, s. 6.</p>               | <p>Penalty not exceeding 20s., nor less than 5s.; and in default, &amp;c., to be imprisoned not exceeding 1 week. 2 J.</p>                                                                                          |
| <p>Soldier to be amenable to military discipline.<br/>(For offence in tents at games and athletic sports, see "Tents.")<br/><i>Illegal Assemblies.*</i>—Retailers shall not permit illegal assemblies in their houses, or suffer to be hung out or displayed flags, decorations, emblems, &amp;c., except the usual business sign; for offending—<br/>(Not to apply to Freemasons or Friendly Brothers).</p>                                                                                                                                                                                                                               | <p>s. 8.</p>                                        | <p>Penalty £2, and not less than 10s.; in default of distress and payment imprisonment not exceeding 1 month. 2 J.<br/>And Excise officer not to renew licence without a new certificate from Quarter Sessions.</p> |
| <p>Justices, and constables duly authorized, may enter houses in which spirits or beer is sold, and in which, from information on oath or otherwise, they have reason to suspect such illegal body, society, or assembly is met, or held, or from which such flag or emblem is displayed, and may remove flags, decorations, &amp;c., and require persons to give their names, &amp;c., and take possession of books, &amp;c. Persons not quitting may be apprehended. Neglecting or refusing to quit, resisting Justice, constable, &amp;c., refusing to state, or untruly stating name, residence, &amp;c.; on being duly convicted—</p> | <p>s. 9.</p>                                        | <p>Penalty not exceeding 20s., nor less than 5s.; and if not forthwith paid, to be imprisoned not exceeding 1 week. 2 J.</p>                                                                                        |
| <p><i>Opposing Entry, and Search.</i>—Retailers, or persons aiding them, preventing or endeavouring to prevent by threats, violence, or otherwise, Justices, constables, &amp;c., duly author-</p>                                                                                                                                                                                                                                                                                                                                                                                                                                         | <p>s. 10.<br/>(3 &amp; 4 Wm. iv. c. 68, s. 17.)</p> | <p>Penalty not exceeding £10, and not less than £2 10s., by distress, &amp;c. 2 J.</p>                                                                                                                              |

\* See also title "Party Processions and Emblems," in this Index.

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                       | Statute.                                                       | Extent of Jurisdiction.                                                                                                  |
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| <b>PUBLICANS, &amp;c.—continued.</b><br>ized, in entering or searching house or place; or assaulting or otherwise resisting.                                                                                                                                                                                                          |                                                                |                                                                                                                          |
| (Not to exempt offender from other punishment or penalty by information, indictment, or otherwise).                                                                                                                                                                                                                                   |                                                                |                                                                                                                          |
| <i>Delaying Admittance.</i> —Any retailer who shall, on demand made of entrance, delay to admit Justice, constable, &c., duly authorized, for the purpose of searching, or for any other purpose for which by law he may be entitled to admittance, unless satisfactory proof be made that there was reasonable cause for such delay. | 6 & 7 W. iv.<br>c. 38, s. 11.<br>3 & 4 W. iv.<br>c. 68, s. 18. | Penalty not exceeding £2, and not less than 10s., by distress; in default, &c., imprisonment not exceeding 1 month. 2 J. |
| <i>Unlicensed Premises.</i> —Person not duly licensed, who permits or suffers beer, cider, or spirits to be consumed on the premises occupied by him, or in which his trade or business is carried on.                                                                                                                                | 6 & 7 W. iv.<br>c. 38, s. 18.                                  | Like.                                                                                                                    |
| <i>Unlicensed Persons.</i> —Unlicensed person selling beer, cider, or spirits, shall, in addition to any other penalty to which he is liable, for every such offence—                                                                                                                                                                 | s. 19.                                                         | Like.                                                                                                                    |
| <i>Prostitutes, Thieves, &amp;c.</i> —Publican knowingly suffering common prostitutes or reputed thieves to assemble in his house.                                                                                                                                                                                                    | 17 & 18 Vic.<br>c. 103, s. 74.                                 | Penalty not exceeding £5. 1 J.                                                                                           |
| And see also Police Clauses Act,                                                                                                                                                                                                                                                                                                      | 10 & 11 Vic.<br>c. 89, s. 35.                                  | The Justice should ascertain if these Acts be in force in his district.                                                  |
| <i>Witnesses.</i> —Witness not obeying summons, or refusing to give evidence—                                                                                                                                                                                                                                                         | 3 & 4 W. iv.<br>c. 68, s. 80.                                  | Penalty £2, and not less than 10s., by distress; in default, &c., imprisonment not exceeding 1 month. 2 J.               |
| <i>Mitigation.</i> —Power to mitigate penalties where there are mitigating circumstances.                                                                                                                                                                                                                                             | s. 24, and<br>6 & 7 W. iv.<br>c. 38, s. 23.                    | —                                                                                                                        |
| <i>Appeal.</i> —Allowed to person against whom information exhibited, feeling aggrieved by the decision of Justices.*                                                                                                                                                                                                                 | 3 & 4 W. iv.<br>c. 68, s. 25.                                  | —                                                                                                                        |

\* *Appeal.*—The right of appeal given by the above Act must be subject to the conditions in the Petty Sessions (Ireland) Act 1851, sec. 24, which states that the penalty must exceed 20s. to give that right; and the words in the section are, "but in no



| Offence, or cause of Complaint.                                                                                                         | Statute.                                                     | Extent of Jurisdiction.                                                                                                          |
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| <b>PUBLICANS, &amp;c.—continued.</b>                                                                                                    |                                                              |                                                                                                                                  |
| Persons who are disqualified to be licensed, see—                                                                                       | 3 & 4 W. iv. c. 68, s. 18, and 6 & 7 W. iv. c. 38, ss. 2, 3. |                                                                                                                                  |
| <i>Offences which disqualify.</i> —Person convicted of misdemeanor, or offence of a high nature, upon due notice to such person—        | 3 & 4 W. iv. c. 68, s. 8.                                    | Justices in Quarter Sessions may annul licence.                                                                                  |
| Three convictions under the Publicans' Acts herein quoted within six months.*                                                           | 6 & 7 W. iv. c. 38, s. 16.                                   | Two Justices in Quarter Sessions may annul licence. Six days' notice of the application to annul shall be served on such person. |
| <i>Justices Certificate.</i> —Justices' certificate of good conduct of retailer, and manner in which house conducted in the past year.† | 17 & 18 Vic. c. 89, s. 11.                                   | Two Justices in Petty Sessions may grant certificate.                                                                            |

other case." These Acts could never have been looked on as Excise Acts, altogether they refer more to matters of Police regulation, but to remove all doubts the following Act was passed:—

26 & 27 Vic., c. 96, s. 1.—"From and after the passing of this Act, the provisions of the Petty Sessions (Ireland) Act 1851, and the Petty Sessions Clerks (Ireland) Act 1858, (any thing therein to the contrary notwithstanding) shall apply to all complaints or proceedings under the Act of the 3 & 4 Wm. iv., c. 68 and 6 & 7 Wm. iv., c. 38, and every matter or thing connected therewith relating to publicans keeping their houses of business open within prohibited hours, or to persons within such hours tipping or gaming therein, or refusing to quit the same or resisting the entry of parties by Law authorized to enter therein, or to publicans allowing illegal assemblies or societies on their premises, or hanging out flags or emblems therefrom, or to persons found drunk in any public place or thoroughfare."

Sections 18 & 19 of the 6 & 7 Wm. iv., c. 38, above mentioned, are left untouched, and these appear the only two sections having reference to the "revenue." However the "forms" under Petty Sessions Act, may be used in the proceedings (14 & 15 Vic., c. 93, s. 42). And indeed whenever a Constable prosecutes in Revenue cases, the proceedings are under the Petty Sessions Act. See title "Excise."

\* But if the Justices in Petty Sessions consider that a less number of convictions, taking the nature of the offences and the hours or times when committed into account, amount to a *disorderly conducting of his place of sale, &c.*, they may refuse to give the annual certificate.

*Application for Licence.*—Persons applying for licence shall, twenty-one days at least before the Quarter Sessions, give notice in writing to two of the nearest Magistrates, the churchwardens of the parish, the Clerk of the Peace, the Sub-Inspector of Constabulary (in his absence, the Head-Constable), and in Dublin the Superintendent of Police of the Division, stating his intention to make application, and setting forth his place of residence, and the situation of the house for which licence is sought—see 3 & 4 Wm. iv., c. 68, sec. 2, and 17 & 18 Vic. c. 89, sec. 9. (By 18 & 19 Vic., c. 103, sec. 4, the requirement to enter into bonds with sureties is repealed).

† *Justices' Annual Certificates of Renewal.*—Excise officer is not to grant renewal

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                    | Statute.                                                           | Extent of Jurisdiction.                                                                                                     |
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| <b>PUBLICANS, &amp;c.—continued.</b><br>Appeal from order of refusal to Quarter Sessions or Recorder.*<br><i>Transfer.</i> —Mode of obtaining transfer of licence by Justices in Petty Sessions.†                                                                                                  | 18 & 19 Vic.<br>c. 62, ss. 1 & 2.<br>18 & 19 Vic.<br>c. 114, s. 1. | —<br><br>When Quarter Sessions not sitting, two Justices in Petty Sessions may transfer by endorsement on licence.<br><br>— |
| <i>Debts due by Servants, Labourers, &amp;c.</i> —Retailers of beer or spirits giving credit to servants, day-labourers, and other persons who usually work or ply for hire or wages, beyond the amount of 1s., shall have no remedy for the sum due, and securities for such debts shall be void. | 9 Geo. ii.<br>c. 88.<br>1 Geo. iii.<br>c. 17, s. 14.               | —                                                                                                                           |

of licence without a certificate, signed by two or more Justices of the Peace, in Petty Sessions, for the district (in Dublin by a Divisional Justice), to the good character of such person, and to the peaceable and orderly manner in which his house has been conducted in the past year.—17 & 18 Vic., c. 89, sec. 11.

It seems that if three Justices be sitting, two of them will be sufficient to sign the certificate, although the third may dissent; but should five be sitting, and two of them be in favour of granting the certificate and three opposed, it will amount to a *refusal*, and the two Justices in minority ought not to sign.

Where the certificate is refused by one bench of Magistrates, it should not be afterwards granted, or the application entertained by another.

In the case of *R. V. Sainsbury, 4 T. R.*, 456, where a question arose as to the right of one bench of Magistrates to grant a licence under the English statute, which had been refused at a previous meeting, held specially for the purpose, it was decided that the act of the Magistrates at the subsequent meeting was not only void, but was such a breach of the law as to subject them to an indictment.

Lord Kenyon observed: "Without entering into the question of the legality of the act, and whether it were legal or otherwise, it could not be doubted by any person that it is not decent or decorous for two different sets of Magistrates, having a concurrent jurisdiction, to run a race in the exercise of any part of their jurisdiction; for it is of infinite importance to the public that the acts of Magistrates shall not only be substantially good, but also that they shall be decorous."

Beer licences expire on 10th October in each year (24 & 25 Vic., c. 91, s. 14). Magistrates should assemble to grant certificates before that day.

If certificate be refused, an entry of the fact, and of the grounds for refusal, are to be made accordingly.

\* *Appeal from Order refusing Certificate.*—Persons aggrieved may appeal to Quarter Sessions or Recorder as the case may be, if Sessions not held sooner than fifteen days; if sooner, then to next Sessions. No grounds to be entered on but those stated in order of refusal. Licence to remain in force until appeal heard. Appeal to be according to Petty Sessions (Ireland) Act, 1851. Recognizance to be in form given in special Act quoted, 18 & 19 Vic., c. 62, ss. 1 & 2. Licence duty to be deposited with collector pending appeal; if order confirmed, a proportion will be refunded—24 & 25 Vic., c. 91, s. 21.

† *Transfers.*—Upon the death of licensed person, removal, or sale of interest, &c.,

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                         | Statute.                                                                                       | Extent of Jurisdiction.                                                                                                                                                                                                                                                         |
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| <p><b>PUBLICANS, &amp;c.—continued.</b><br/>           Receiving pledges from servants or workmen as aforesaid, to secure payment of any sum exceeding 1s., contracted in manner aforesaid.<br/>           And by 55 Geo. iii., c. 104, s. 15, suits cannot be maintained for any spirituous liquors sold in less than 2 quarts at a time.</p>          | <p>9 Geo. ii.<br/>           c. 88.<br/>           1 Geo. iii.<br/>           c. 17, s. 4.</p> | <p>Chief Magistrate in a corporate town, or Justice in county, county of a city or town, may, by warrant, compel retailer, by distress and sale of his goods, to restore the pledge, or to make satisfaction for the loss or abuse thereof.<br/>           Mayor or 1 J. P.</p> |
| <p><i>Beer Houses.</i>—This Act has reference to houses licensed to sell beer to be drunk, &amp;c., elsewhere than on the premises where sold.</p>                                                                                                                                                                                                      | <p>27 &amp; 28 Vic.<br/>           c. 35.</p>                                                  |                                                                                                                                                                                                                                                                                 |
| <p>Excise not to grant licenses or renewals or transfers unless applicant produce certificate of two Justices of the district as to character and conduct of applicant and house, and, if a new license, as to suitability of premises.</p>                                                                                                             | <p>s. 2.</p>                                                                                   |                                                                                                                                                                                                                                                                                 |
| <p>Persons applying shall give notice to Police Officers, and if in the trade before, to state where, &amp;c. And Police Officers may object.</p>                                                                                                                                                                                                       | <p>ss. 3 &amp; 5.</p>                                                                          |                                                                                                                                                                                                                                                                                 |
| <p>Prohibitions, penalties, &amp;c., with respect to houses licensed to sell for consumption on the premises, and the hours at which they may be kept open for sale, and the powers of Justices, constables, &amp;c., under 8 &amp; 9 Vic., c. 64, s. 2; and 17 &amp; 18 Vic., c. 89, s. 12, shall be applicable to houses licensed under this Act.</p> |                                                                                                |                                                                                                                                                                                                                                                                                 |

in the premises, Justice in Petty Sessions may, if they think proper (after examining on oath all necessary parties), transfer the licence, by endorsement thereon, to person seeking same, not being a person disqualified by law, until the next Quarter Sessions for the district, after expiration of one month.—18 & 19 Vic., c. 114, s. 1.

It will be observed that this permission of the Magistrates has not the effect of transferring the licence from one *place* to another, but merely from one *person* to another, and that only to enable the party to sell until the certificate is regularly obtained at the Quarter Sessions. Whenever an unobjectionable person for some good reason seeks permission to sell until a licence can be regularly obtained at Quarter Sessions, the proper course will be by Memorial to the Lord Lieutenant, and the recommendation of the Magistrates of the district, and if his Excellency approves, the Excise will not object to the party selling until licence obtained at Sessions.

| Offence, or cause of Complaint.                                                                                                                                                                                        | Statute.                 | Extent of Jurisdiction.                                                                                                                                                                  |
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| <p><b>PUBLICANS, &amp;c.—BEER HOUSES—</b><br/><i>continued.</i><br/>Every person not duly licensed in that behalf, who shall sell beer for consumption on his premises.</p>                                            | 27 & 28 Vic. c. 85 s. 7. | First offence, penalty not exceeding £2, nor less than 5s., or imprisonment with or without H.L. not exceeding 1 month, nor less than 1 week.                                            |
|                                                                                                                                                                                                                        |                          | <p><i>Second</i> and subsequent offence, fine not exceeding £5, nor less than 20s., or imprisonment with or without H.L. not exceeding 8 nor less than 1 month.</p>                      |
| <p>Persons found drinking or tipping, or having the appearance of having been recently drinking or tipping in houses licensed under this Act, but not for consumption on premises, may be apprehended or summoned.</p> | s. 8.                    | <p>First offence, penalty not exceeding 5s.<br/>Second and subsequent offence, fine not exceeding 10s., nor less than 5s.; in default, &amp;c., imprisonment as in P. S. scale. 1 J.</p> |
| <p>Justice may require production of licence upon hearing of complaints, and for neglect or refusal to produce same.</p>                                                                                               | s. 9.                    | <p>Penalty not exceeding £5; in default, &amp;c., imprisonment not exceeding 2 months. 1 J.</p>                                                                                          |
| <p><i>Mitigation.</i>—Justice may mitigate penalty, but not to less than one-fourth, and to state cause of mitigation.</p>                                                                                             | s. 10.                   |                                                                                                                                                                                          |
| <p>Wholesale dealers in beer shall not keep open between 7 P.M. and 7 A.M., in default, to be subject to Police supervision, same as retailers, &amp;c.</p>                                                            | s. 11.                   |                                                                                                                                                                                          |
| <p>Penalties recoverable under Petty Sessions Act, and Petty Sessions Clerks Act.</p>                                                                                                                                  | s. 12.                   |                                                                                                                                                                                          |
| <p><i>Retail.</i>—Selling in less than 4½ gal. or than 2 doz. quart bottles at a time, shall be deemed to sell by retail.</p>                                                                                          |                          |                                                                                                                                                                                          |
| <p>Power to appeal to Quarter Sessions as to granting or refusing certificate.</p>                                                                                                                                     |                          |                                                                                                                                                                                          |



| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Statute.                                                                                                                                                                                      | Extent of Jurisdiction.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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| <p><b>RAILWAYS—continued.</b><br/>           Railway servants, or servants of any traffic company, or person employed on line, found drunk on line, offending against bye-laws or regulations, or doing or omitting any act endangering life, &amp;c., or to impede trains, &amp;c.</p> <p><i>Obstructing Officers, &amp;c.</i>—Wilfully obstructing or impeding any officer or agent of the company in execution of his duty on the line, stations, or premises; wilfully trespassing on railway, stations, works, or premises, and refusing to quit on being requested,</p> | <p>3 &amp; 4 Vic.<br/>           c. 97, s. 13.<br/>           and<br/>           5 &amp; 6 Vic.<br/>           c. 55, s. 17.</p> <p>3 &amp; 4 Vic.<br/>           c. 97, ss. 15 &amp; 16.</p> | <p>Offender may be seized and taken before a Justice, who is required to act summarily, by imprisonment not exceeding 3 months, H. L., or, in discretion of Justice, to pay a fine of £10; and in default of payment, imprisonment not exceeding 2 months.*<br/>           1 J.</p> <p>Offender and persons aiding or assaulting, may be seized and taken before Justice, who is required to act summarily; penalty not exceeding £5; in default of payment, imprisonment not exceeding 2 months.* 1 J.</p> |

\* *Transient offenders.*—It will be seen by 3 Vic., c. 16, s. 156, and 8 Vic., c. 20, s. 154, "that it shall be lawful for any officer, &c., of the company, and all persons called by him to his assistance, to seize and detain any person who shall have committed any offence against these Acts, or the Special Act, or any Act incorporated therewith, and whose name and residence shall be unknown to such officer, &c., and convey him with all convenient despatch before some Justice, without any warrant or other authority than this or the Special Act, and such Justice shall proceed with all convenient despatch to the hearing and determining of the complaint against the offender."

In addition to this *special* provision, these Acts provide that all penalties imposed by these or the Special Act, or any bye-law made in pursuance thereof, the recovery of which is not *otherwise provided for*, may be recovered by summary proceeding before two Justices; summons to issue in first instance; distress warrant, and in default of distress, imprisonment.

Now it is very doubtful whether at present any one Justice, out of Petty Sessions, can do the acts above referred to, respecting "transient offenders." The Petty Sessions (Ireland) Act, 14 & 15 Vic., c. 93, regulates the powers and duties of Justices in all proceedings both in and out of Petty Sessions. By this Act, sec. 8, "It shall not be lawful for any Justice or Justices to hear and determine any cases of summary jurisdiction out of Petty Sessions, except cases of drunkenness or vagrancy, or fraud in the sale of goods, or disputes as to sales in fairs or markets; but it shall be lawful for two Justices, if they shall see fit, to hear and determine, out of Petty Sessions, any complaint as to any offence when the offender shall be unable to give bail for his appearance at Petty Sessions." This section certainly appears sufficiently strong to prevail over the Railway Acts, in deciding the course which Magistrates should pursue. Nor would the fact of a *Special Railway Act*, by being passed *subsequently* to

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                   | Statute.                        | Extent of Jurisdiction.                                                                                                                                                                                                       |
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| <p><b>RAILWAYS—continued.</b><br/> <i>Gates.</i>—Any person omitting to fasten gates as soon as he and the carriage, cattle, or other animals under his care shall have passed through.</p>                                                                                                                                                                                                                                                       | <p>8 Vic. c. 20.<br/>s. 75.</p> | <p>Penalty not exceeding 40s.; in default, &amp;c., imprisonment not exceeding 3 months. 2 J.</p>                                                                                                                             |
| <p><i>Milestones, &amp;c.</i>—If any person wilfully pull down, deface, or destroy boards or milestones—</p>                                                                                                                                                                                                                                                                                                                                      | <p>s. 95.</p>                   | <p>Forfeiture not exceeding £5 for every such offence; in default, &amp;c., imprisonment not exceeding 3 months. 2 J.</p>                                                                                                     |
| <p><i>Frauds by Passengers.</i>—Travelling or attempting to travel on railway without having previously paid fare, and with intent to avoid payment; or having paid fare for a certain distance, knowingly and wilfully proceeding beyond such distance without previously paying the additional fare, and with intent to avoid payment thereof, and wilfully refusing to quit carriage on arriving at the place to which fare has been paid.</p> | <p>s. 103.</p>                  | <p>Forfeit to the company not exceeding 40s.; in default, &amp;c., imprisonment not exceeding 3 months; and railway servants, or any peace officer, may apprehend offender until he can be brought before a Justice. 2 J.</p> |
| <p><i>Dangerous Goods, &amp;c.</i>—Sending by railway, aquafortis, oil of vitriol, gunpowder, lucifer matches, or any other goods, which, in the judgment of the company, may be of a dangerous nature, without marking their nature on the outside of the package, or giving notice in writing at the time of sending to some servant of the company.</p>                                                                                        | <p>s. 105.</p>                  | <p>Forfeit to the company £20; in default, &amp;c., imprisonment not exceeding 3 months. 2 J.</p>                                                                                                                             |

the Petty Sessions Act (and which Special Act would of course have incorporated with it the Railways and Companies Clauses Consolidation Acts referred to), be likely to alter the case. As the matter now stands, the Justice would be safe in following the Petty Sessions Act; he can either take bail for the appearance at the Petty Sessions, with or without sureties, as he may think fit; or if name and residence be known, can have a summons served, or two Justices may try the case. But it will be observed, that the power of the railway officers to arrest the offender and convey him before a Justice is not taken away, and it is the duty of the Justice to act on the complaint; and if no guarantee can be given that the prisoner will be forthcoming, the Justice can take an information, on oath, and commit him until the hearing of the complaint—14 & 15 Vic., c. 93, s. 11. It will also be safe to follow the Petty Sessions Act in levying penalties imposed.

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                          | Statute.                                                                                               | Extent of Jurisdiction.                                                                                                                                           |
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| <p><b>RAILWAYS—continued.</b><br/> <i>Bye-laws.</i>—Company empowered to make bye-laws and regulations; amongst others against smoking of tobacco, and other nuisances, in carriages and stations, or premises. Not to be repugnant to the laws of the kingdom. Bye-laws to be confirmed and published as therein.</p>   | <p>3 &amp; 4 Vic. c. 97, ss. 7, 8, 9.<br/> 8 Vic. c. 20, ss. 108, 109, 110.<br/> and<br/> Bye-Laws</p> | <p>Penalty for breach of any bye-law, not exceeding £5, recoverable as other penalties.<br/> 2 J.</p>                                                             |
| <p>Justices may detain offender convicted until return made to distress warrant, or take bail for his appearance; or if it be shown, by his admission or otherwise, that he has no goods, he may be committed.</p>                                                                                                       | <p>8 Vic. c. 16, s. 149.<br/> and<br/> 8 Vic. c. 20, s. 147.</p>                                       | <p>—</p>                                                                                                                                                          |
| <p><i>Transient Offenders.</i>—Company's officers may detain persons committing offences whose name and residence may be unknown to them, and without further warrant convey them before a Justice.</p>                                                                                                                  | <p>8 Vic. c. 16, s. 156.<br/> and<br/> 8 Vic. c. 20, s. 154.</p>                                       | <p>“Such Justice shall proceed with all convenient despatch to the hearing and determining of the complaint against the offender.”<br/> But see note, p. 176.</p> |
| <p><i>Criminal Offences.</i>—Maliciously placing, &amp;c., on railway, any matter or thing, displacing rails, &amp;c., moving or diverting machinery, showing, hiding or removing signals or lights, or doing, or causing to be done, anything with intent to obstruct or injure engine, tender, carriage, or truck.</p> | <p>24 &amp; 25 Vic. c. 97, s. 85.</p>                                                                  | <p>Felony, triable by indictment.</p>                                                                                                                             |
| <p>Like offence, with intent to endanger passengers.*</p>                                                                                                                                                                                                                                                                | <p>24 &amp; 25 Vic. c. 100, s. 32.</p>                                                                 | <p>Like.</p>                                                                                                                                                      |
| <p><i>Neglect.</i>—Whosoever, by any unlawful act, or by any wilful omission or neglect, shall obstruct, or cause to be obstructed, any engine or carriage using any railway, or shall aid or assist therein.</p>                                                                                                        | <p>24 &amp; 25 Vic. c. 97, s. 86.</p>                                                                  | <p>Indictable misdemeanor.</p>                                                                                                                                    |

\* Section 15 of the 3 & 4 Vic., c. 97, which made this offence an indictable misdemeanor, has been repealed by the 24 & 25 Vic., c. 95. It is now made felony.

It will be seen above that the offences are provided for in the Malicious Injuries Act, and also in the Offences against the Person Act, so as to meet the cases of injuring the property of the company, or endangering the lives of the passengers.



| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                       | Statute.                                                                                                          | Extent of Jurisdiction.                                                                                                                                                                                                 |
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| <p><b>RAILWAYS—continued.</b><br/>           Guilty of like offence, whereby the safety of passengers may be endangered.<br/>           Maliciously throwing, or causing to fall or strike at, against, into, or upon any engine, tender, carriage, or truck, used upon any railway, any wood, stone, or other matter or thing, with intent to injure or endanger the safety of any person therein, &amp;c.<br/>           See also "Telegraphs."</p> | <p>24 &amp; 25 Vic. c. 100, s. 34.<br/><br/>           a. 83.</p>                                                 | <p>Like.<br/><br/>           Felony triable by indictment.</p>                                                                                                                                                          |
| <p><b>RATES:</b><br/>           Poor rates recoverable in Petty Sessions, under—<br/><br/>           County cess, under—</p>                                                                                                                                                                                                                                                                                                                          | <p>1 &amp; 2 Vic. c. 56, and 6 &amp; 7 Vic. c. 92, s. 2.<br/><br/>           6 &amp; 7 W. iv. c. 116, s. 152.</p> | <p>1 J.<br/><br/>           1 J.</p>                                                                                                                                                                                    |
| <p><b>RECEIPT:</b><br/>           See "Stamps."</p>                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                   |                                                                                                                                                                                                                         |
| <p><b>RECEIVER (of Stolen Property):</b><br/>           Shipwrecked goods found in possession or premises of any person with his knowledge, and not satisfactorily accounting for same.</p>                                                                                                                                                                                                                                                           | <p>24 &amp; 25 Vic. c. 96, s. 65.</p>                                                                             | <p>Imprisonment, with or without H. L., not exceeding 6 months, or forfeiture (over and above value of goods) not exceeding £20.</p>                                                                                    |
| <p>Receivers of stolen property, where the original offence is, by this Act, punishable by summary conviction.</p>                                                                                                                                                                                                                                                                                                                                    | <p>a. 97.</p>                                                                                                     | <p>1 J.<br/>           Liable for every first, second, or subsequent offence, to same forfeiture and punishment to which a person guilty of first, second, or subsequent offence of stealing is by this Act liable.</p> |
| <p><b>RECOGNIZANCE:</b><br/>           To appear before Justice; to be of the peace and good behaviour; and to perform the duties of pound-keeper.<br/>           See "Sureties," &amp;c.</p>                                                                                                                                                                                                                                                         | <p>14 &amp; 15 Vic. c. 93, s. 34,</p>                                                                             | <p>May be estreated by Justices in Petty Sessions.</p>                                                                                                                                                                  |

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Statute.                                                                           | Extent of Jurisdiction.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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| <p><b>REFORMATORY:</b><br/> <i>Juvenile Offenders.</i>—Juvenile offenders convicted at Assizes, Quarter Sessions, Divisional Justices, <i>Dublin</i>, or Justices in Petty Sessions, for offences (except vagrancy).</p> <p><i>When convicted in Petty Sessions.</i>—Juvenile offenders convicted before any Justice or Justices of the Peace at Petty Sessions under the 6th section of the Summary Jurisdiction (Ireland) Act, 1851 (14 &amp; 15 Vic, c. 92, s. 6).</p> <p>The Court cannot order offender to be sent to reformatory unless the sentence passed as punishment for offence be one of imprisonment for 14 days at the least.</p> <p>Juvenile offenders to be sent only to schools managed by persons of same religious belief as parents or guardians of such juveniles.</p> <p>Offender, his parents or guardians may appeal from order of Justices to Quarter Sessions or Recorder.†</p> | <p>21 &amp; 22 Vic. c. 103, s. 7.</p> <p>”</p> <p>”</p> <p>”</p> <p>”</p> <p>”</p> | <p>The Court may direct offender, at expiration of sentence of punishment to be sent to a duly certified reformatory school for not less than 1, and not exceeding 5 years.</p> <p>The Justices may, in addition to the punishment provided for the offence, direct that, at expiration of sentence, offender be sent to a reformatory school duly certified under the Act, and the directors or managers of which may be willing to receive him, for not less than 1 year, and not exceeding 5 years.*</p> <p>1 J.</p> <p>—</p> <p>—</p> <p>See section for requirements in Appeal.</p> |

\* *Reformatory.*—It would be desirable that, at the time of conviction, an entry complying with the requirements of the statute be made, and the description of the offender fully stated, as the Justices may find reference to it necessary on a future occasion. Thus:—A. B., aged — years, son of C. D., of [residence, occupation, and religious persuasion], and any other particulars connected with the offender or his parents which the Justices may consider important.

† *Appeal.*—In the matter of this appeal some difficulties present themselves,—*As to the mode of appeal*, how it is to be entered into, what the amount of sureties, and what becomes of the offender in the meantime. But assuming that it is to be entered into under the Petty Sessions Act, of course the offender is at large until the hearing. Now under the 23 section of the Act under which he is tried, (14 & 15 Vic., c. 92), where the imprisonment exceeds a month there is a right of appeal, and

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                             | Statute.                                                         | Extent of Jurisdiction.                                                                                                                                                                                                                                                                                                                                                                                 |
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| <p><b>REFORMATORY—continued.</b><br/>Particular school to which offender is to be sent need not be named in sentence.</p> <p>Power to Court to make supplemental order (before expiration of imprisonment), exchanging the name of reformatory.</p> <p><i>Abconding, or Refractory Conduct.</i>—Juvenile offender absconding from reformatory school, or wilfully neglecting or refusing to abide by and conform to the rules thereof.—</p> | <p>21 &amp; 22 Vic. c. 103, s. 8.</p> <p>s. 9.</p> <p>s. 14.</p> | <p>May be added by the convicting Justice after sentence, and before expiration of imprisonment.*</p> <p>—</p> <p>Imprisonment with or without H. L., not exceeding 6 months (imprisonment to be, as far as practicable, in strict separation), and at expiration of imprisonment, to be transmitted to same reformatory to complete term of sentence, if managers are willing to receive him. 1 J.</p> |

in the case of a juvenile offender the parent or guardian may also object to the Justices summarily dealing with the case, or making no objection, then, after order to send the offender to reformatory is made, and the witnesses have departed, the prisoner, his parents, or guardians may appeal. But what is the matter into which the Chairman or Recorder shall inquire, if into the conviction for Larceny (on which the other order is founded) the witness may be an utter stranger, not bound to attend, and perhaps not hearing of the appeal, or, the conviction confirmed, on what ground is the order to send to Reformatory to be disturbed. The Chairman or Recorder although perhaps not quite of the same opinion as the Justices, will not reverse their order unless it is *bad and cannot be sustained*, this is the almost invariable rule with Courts of Appeal. Suppose the prospects of offender and the position of his parents to be improved, then under the section the Chief Secretary has the power at any time to order his discharge from Reformatory.

However in this appeal from the order to detain in Reformatory there is nothing in the section directing the convicting justice to admit the juvenile offender to bail. It is not a term of imprisonment, and the only preliminary proceeding mentioned in the section, is a notice to the Clerk of Petty Sessions or a Divisional Justice, of an intention to appeal. That notice being given the appeal shall be entertained and not dismissed on any point of form. The Clerk should notice the Constabulary or Local Crown Prosecutor of such intended appeal.

\* If the Justices can, with sufficient certainty, set forth the name of the reformatory at the time of passing sentence, it will render a supplemental order and the re-assembling of the Justices for the purpose unnecessary; and, in that case, the entire order may be set forth in the warrant of commitment, thus:—"To be imprisoned in the gaol of the county of Cork for —; and, at the expiration of such sentence, to be sent to the *Roman Catholic Reformatory at Upton in the county of Cork*, to be there detained for the period of — years."

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                 | Statute.                    | Extent of Jurisdiction.                                                                                                                                                                                                 |
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| <p><b>REFORMATORY</b>—<i>continued.</i><br/> <i>Parent liable to contribute to maintenance of offender.</i>—Parent of offender shall, if of sufficient ability, be liable to contribute towards support and maintenance not exceeding 5s. a week; and upon complaint of any person authorized by Chief or Under Secretary to take proceedings, parent to be summoned to the Petty Sessions.</p> | 21 & 22 Vic. c. 103, s. 15. | Justices to examine into ability of parents to contribute, and to make an order for weekly payment accordingly not exceeding 5s. per week, during the whole or any part of the detention in reformatory school.<br>1 J. |
| Party not appearing, case may be inquired into <i>ex parte</i> .                                                                                                                                                                                                                                                                                                                                | "                           | —                                                                                                                                                                                                                       |
| Power to remit, reduce, or increase weekly payments on due notice of application by either party. Not to be increased above 5s. a week.                                                                                                                                                                                                                                                         | s. 16.                      | —                                                                                                                                                                                                                       |
| <i>Default in Payment.</i> —In case default be made for 14 days in payment of any sum of money under such order—                                                                                                                                                                                                                                                                                | s. 17.                      | Amount to be levied by distress.*                                                                                                                                                                                       |
| If it appear, on confession of defendant or otherwise, that he has not sufficient goods, or if return to that effect be made on warrant of distress.                                                                                                                                                                                                                                            | "                           | To be committed for not exceeding 10 days, unless the amount and costs of distress, commitment and conveying defendant to prison (such amount to be stated in commitment), be sooner paid.<br>1 J.                      |
| Where managers place offender in the care of licensed persons, as mentioned in 13th section, any offender who absconds from such person during term specified, or refuses to return to reformatory school as therein—                                                                                                                                                                           | s. 18.                      | Liable to like penalty as for absconding from reformatory school under section 14, that is, not exceeding six months, with or without H.L.<br>1 J.                                                                      |

\* It does not appear from the words of the section that a summons is necessary to bring up the defendant on each occasion in which he makes default. The warrant to levy is introduced as a proceeding under an order already made, and wherein the amount has been ascertained; but there is nothing in the section to prevent the Justices issuing a summons or notice, calling on the defendant to appear and show cause why such warrant shall not issue.

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Statute.                    | Extent of Jurisdiction.                                                                                                                         |
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| <b>REFORMATORY—continued.</b><br><i>Harbouring.</i> —Any person who shall, directly or indirectly, wilfully withdraw any young person from reformatory school or institution as aforesaid, or induce him to abscond, or knowing him to have absconded, shall harbour or conceal him, or assist in so doing, or prevent him from returning—                                                                                                                                                                                                                                                                         | 21 & 22 Vic. c. 103, s. 19. | Penalty not exceeding £5 (recoverable as in Petty Sessions Act, (1851), by distress; in default, &c., imprisonment not exceeding 2 months. 1 J. |
| <b>REFRESHMENT HOUSES:</b><br>All houses, rooms, shops, or buildings kept open for public refreshment, resort, and entertainment, at any time between the hours of 10 o'clock* at night and 7 o'clock in the morning, not being licensed for the sale of beer, cider, wine, or spirits respectively, shall be deemed refreshment houses within the Act; and the resident, owner, tenant, or occupier thereof shall be required to take out licence.†<br>No licence required if the house be not situate within any town or place containing a population exceeding 10,000, according to last Parliamentary Census. | 23 & 24 Vic. c. 107, s. 6.  | —                                                                                                                                               |

\* Extended from 9 o'clock to 10 o'clock by the 24 & 25 Vic., c. 91, s. 8.

† *Excise Duties.*—Section 2 enacts that the duties by this Act, granted shall be deemed to be Excise Duties, and shall be under the management of the Commissioners of Inland Revenue; and the powers, regulations, penalties, &c., contained in Excise Acts in relation to Excise Duties, and not herein expressly provided for, and so far as same are consistent with this Act, shall apply to the duties granted by this Act.

*Persons entitled to Licence.*—Section 3.—Every person keeping a shop for the sale of any goods or commodities other than foreign wine, or having a wine dealer's licence (except disqualified by this Act), shall be entitled, without further authority, to a licence under this Act to retail in quart or pint bottles only, not to be consumed on the premises.

*Retail.*—Section 4.—Every sale of foreign wine in any less quantity than two gallons or a dozen quart bottles at a time, to be deemed selling by retail.

*Evading the Act.*—Section 5.—Permitting drinking wine in a neighbouring house, shed, &c., with intent to evade the provisions of the Act, to be deemed drinking on the premises, and shall be subject to the penalty accordingly.

*Disqualified Premises and Persons.*—Section 8.—No licence to sell foreign wine by retail to be consumed on the premises shall be granted for any refreshment house which with the premises belonging thereto and occupied therewith, shall be under the value of £8 a year; nor for any refreshment house situate in any city, borough, town, or place containing a population exceeding 10,000, according to last Census, if such

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Statute.                                                         | Extent of Jurisdiction.                                                                                                                                                                                                        |
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| <p><b>REFRESHMENT HOUSES—con.</b><br/>           Every person licensed to keep a refreshment house, and who shall pursue therein the business of confectioner, or eating-house keeper (subject or conditions in the Act, and not expressly disqualified thereby), entitled to take out licence to sell wine to be drunk on the premises.</p> <p>Every person who shall keep a refreshment house for which a licence is required by this Act, without taking out and having in force a proper licence in that behalf granted to him under the authority of this Act.</p> <p>In case complaint made before Justice against any person licensed to sell wine by retail under this Act, for any offence against the tenor of his licence or this Act, the Justice may (if he shall think fit) require such person to produce his licence for examination; and in case of wilful neglect or refusal—</p> | <p>23 &amp; 24 Vic. c. 107, s. 7.</p> <p>s. 9.</p> <p>s. 19.</p> | <p>—</p> <p>Excise penalty not exceeding £20, recoverable as Excise penalty.*<br/>2 J.</p> <p>Penalty not exceeding £5, recoverable by distress; and in default, &amp;c., imprisonment according to Petty Sessions Scale.†</p> |

refreshment house, with the premises belonging thereto and occupied therewith, shall be under the value of £15 a year. No Sheriff's Officer, Clerk of Petty Sessions, or officer executing the legal process of any Court, shall hold licence to sell wine by retail to be consumed on the premises.

*Mode of obtaining Wine Licence.*—See Sections 13 and 14.—By requisition, stating certain particulars, to be forwarded to Supervisor of Excise, who shall transmit copies to Sub-Inspector and Clerk of Petty Sessions. Justices may object to granting licence, stating the grounds. Sub-Constabulary officer or Superintendent of Police may object to the granting of such wine licence.

*Appeal from Order of Refusal.*—Section 15.—Persons aggrieved by order of refusal may appeal to next Quarter Sessions, not being sooner than 15 clear days. Form of Recognizance in Schedule to Act to be used. Appeal in other respects to be as an appeal under Petty Sessions (Ireland) Act, 1851.

*Transfers, Renewals, &c.*—Section 17.—Justices may object to renewal or transfer of a wine licence if they shall see just cause of objection; and by section 12, on the death of licensed person, representative, widow, or child may be authorized to continue for the term for which licence originally granted.

*Lists of Licences.*—Section 18.—A list of licences to be kept by Collectors and Supervisors for inspection of the Justices, and copies of the list to be transmitted to the Justices' Clerk.

\* Section 45.—*Excise Penalties.*—The penalties imposed by this Act, denominated "Excise penalties," shall be recovered, levied, mitigated, and applied by the same ways, means, and methods, and in like manner, as penalties may be recovered, levied, mitigated, and applied under the laws of Excise in that behalf.

† *Penalties other than Excise.*—Proceedings for recovery of penalties, and the hear-

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                  | Statute.                    | Extent of Jurisdiction.                                                                                                                                                                                              |
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| <b>REFRESHMENT HOUSES—<i>con.</i></b><br>If person licensed or any person in his service or employ, or by his direction, shall refuse to admit, or shall not admit police officers and constables when they think proper to enter, between 9 o'clock at night and seven o'clock in the morning—* | 23 & 24 Vic. c. 107, s. 20. | Penalty not exceeding £5, and costs of conviction by distress, &c.; and for second offence, may (if Justice think fit) be disqualified for not exceeding 2 years.<br>1 J.<br>Complaint to be made within seven days. |
| Every person who shall sell any wine by retail, whether to be consumed on the premises or not, without having a proper licence in force authorizing him in that behalf—                                                                                                                          | s. 21.                      | Excise penalty £20 (over and above any other penalty to which he may be liable); recoverable as Excise penalties.† 2 J.                                                                                              |
| And in addition to any Excise penalty to which he may thereby become subject—<br>Section 23 specifies what shall be deemed to be foreign wine, and what be deemed spirits.                                                                                                                       | s. 22.                      | Shall forfeit £5 additional, by distress; and in default, imprisonment, 2 months. 1 J.                                                                                                                               |
| Persons convicted of felony, or of selling spirits without licence, to be disqualified; and if such person shall take out or have a licence under this Act, it shall be void, and he shall incur the penalty.                                                                                    | s. 24.                      | —                                                                                                                                                                                                                    |
| Licensed retailers of wine to make entry, &c., with the Excise.                                                                                                                                                                                                                                  | s. 25.                      | —                                                                                                                                                                                                                    |
| Excise officers and constables empowered to enter the premises of licensed retailers of wine, and to search for and seize all spirits found therein, and may exercise for the purpose the powers granted them by the 17 & 18 Vic., c. 89.                                                        | s. 26.                      | —                                                                                                                                                                                                                    |

ing and determination of complaints, to be subject in all respects to the Petty Sessions (Ireland) Act, 1851, as amended by the Petty Sessions Clerks (Ireland) Act 1858; and to the provisions of the Act relating to the Divisional Police Offices, when the same shall be heard in Police District of Dublin metropolis, so far as consistent with special provisions of this Act.

*Fines* to be applied as provided by the Fines Act (Ireland), 1851.

\* By section 8 of the 24 & 25 Vic., c. 91 (amending section 6 of the above Act), a licence is not requisite for a refreshment house not open after *ten o'clock* at night.

† There are penalties (besides those under sections 21 and 22) provided by other Acts for the offence of selling wine without licence; and under 17 & 18 Vic., c. 89, s. 3, a constable may prosecute for the offence, as in the case of "shebeen houses." The powers of constables, &c., under 17 & 18 Vic., c. 89, are extended to houses licensed under the above Act, and to search for and seize spirits.

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Statute.                                                                              | Extent of Jurisdiction.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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| <p><b>REFRESHMENT HOUSES—con.</b><br/>Retailers of wine under this Act shall, if required, sell wine (except wine in bottle, and quantities less than half-a-pint) by the gallon, quart, pint, or half pint measure, sized or marked according to the standard, and if required by the guest or customer, retail the same in a vessel sized or marked according to such standard; in default—</p> <p><i>Limited hours for selling.</i>—7 o'clock A.M., to 11 o'clock, P.M., in places of a certain population as therein, nor after 10 o'clock elsewhere, nor at prohibited hours on Sundays and holidays, at which public-houses are closed—lodgers excepted—under a penalty.—(See section).</p> <p>Houses licensed for sale of wine to be closed by order of two Justices in cases of riot, &amp;c. ; for refusal—</p> <p><i>Permitting Drunkenness or Disorderly Conduct.</i>—Every person licensed under this Act to sell wine by retail, who shall permit any person to be guilty of drunkenness or other disorderly conduct in the house or premises mentioned in such licence, or who shall himself be guilty of any such disorderly conduct, shall, for every such offence, forfeit the respective sums following; and every person who shall transgress or neglect, or shall be a party in transgressing or neglecting the conditions and provisions specified in such licence, or allow such to be done therein, shall be deemed guilty of disorderly conduct, and shall be liable—</p> | <p>23 &amp; 24 Vic. c. 107, s. 28.</p> <p>s. 29.</p> <p>ss. 30, 32.</p> <p>s. 31.</p> | <p>Forfeit the measure, and penalty not exceeding 40s., with costs of conviction; by distress, &amp;c. 1 J.</p> <p>Over and above the penalties to which he may be liable under any other Act.</p> <p>Penalty £2 for every offence; by distress, &amp;c. 1 J.</p> <p>To be deemed guilty of an offence against the tenor of his licence; penalty not exceeding £5, and costs of conviction.</p> <p>Second offence, if within 12 months: penalty not exceeding £10.</p> <p>Third offence, if within 18 months: £50, and costs of conviction; by distress, &amp;c. 1 J.</p> <p>Penalty not less than 40s. nor exceeding £5.</p> <p>Second offence: not less than £5 nor more than £10.</p> <p>Third offence: not less than £20 nor more than £50; and for such second or third offence, may be disqualified for not exceeding five years, if Justice of the Peace think fit. 1 J.</p> |



| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Statute.                               | Extent of Jurisdiction.                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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| <p><b>REFRESHMENT HOUSES—con.</b><br/> <i>Adulterating Wine.</i>—Person licensed, who shall mix, or cause to be mixed, any spirits or any drugs, or other pernicious ingredients, with any wine sold in his house or premises, or shall fraudulently dilute or in anywise adulterate any such wine, or shall sell or offer for sale any wine, which, to the knowledge of such person, has been so mixed, diluted, or adulterated.</p>                                                                                        | <p>28 &amp; 24 Vic. c. 107, s. 81.</p> | <p>First offence : penalty not less than £10 nor more than £20.<br/>           Second offence : disqualified from selling wine by retail for five years, or penalty not less than £20 nor more than £50 ; and selling wine by retail in same house or elsewhere while disqualified, penalty not less than £25 nor more than £50 ; by distress, &amp;c. 1 J.<br/>           Premises disqualified for three years. Notice to be given to Supervisor of Excise. 1 J.</p> |
| <p>Justices may adjudge premises disqualified for sale of wine on proof that within two years last preceding such third conviction, two convictions have taken place.</p>                                                                                                                                                                                                                                                                                                                                                    | <p>s. 33.</p>                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <p><i>Offences in Refreshment Houses.</i>—Every person licensed to keep a refreshment house under this Act, who shall (without license for that purpose) sell, or suffer to be sold therein, any intoxicating liquor ; or knowingly suffer any unlawful games or gaming therein ; or knowingly suffer prostitutes, thieves, or drunken and disorderly persons, or members of an unlawful society, to assemble at or continue in or upon his premises : or do, suffer, or permit any act in contravention of his license.</p> | <p>s. 34,</p>                          | <p>Penalty : first offence, not exceeding 40s. ; second, not exceeding £5 ; and for every subsequent offence, not exceeding £20, or forfeiture of licence for one year. Penalties recoverable by distress, &amp;c. 1 J.</p>                                                                                                                                                                                                                                            |
| <p><i>Witnesses.</i>—On questions touching any objection against granting or renewing of licences, Justices may summon witnesses on behalf of either party, and may order the usual expenses of witnesses and other expenses under the Act.</p>                                                                                                                                                                                                                                                                              | <p>s. 39.</p>                          | <p>1 J.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <p>Witnesses summoned neglecting or refusing to appear, without reasonable excuse, or refusing to give evidence.</p>                                                                                                                                                                                                                                                                                                                                                                                                         | <p>s. 40.</p>                          | <p>Penalty not exceeding £10 for every offence ; by distress, &amp;c. ; in default, imprisonment by Petty Sessions scale. 1 J.</p>                                                                                                                                                                                                                                                                                                                                     |
| <p><i>Harbouring Constables.</i>—Every person licensed to sell beer, spirits, wine, cider, or any other fermented or</p>                                                                                                                                                                                                                                                                                                                                                                                                     | <p>s. 41.</p>                          | <p>Penalty not exceeding 20s. ; by distress, &amp;c. 1 J.</p>                                                                                                                                                                                                                                                                                                                                                                                                          |

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Statute.                                                                                        | Extent of Jurisdiction.                                                                                                                                                                                                         |
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| <p><b>REFRESHMENT HOUSES—con.</b><br/>distilled liquors by retail, to be drunk or consumed on the premises, who knowingly harbours or entertains, or suffers to remain in the place wherein he carries on his business, any constable during any part of the time appointed for his being on duty, unless for the purpose of quelling disturbance or restoring order.</p> <p><i>Drunken or Disorderly Persons refusing to quit.*</i>—Any person who shall be drunk, riotous, quarrelsome, or disorderly in any shop, house, premises, or place licensed for the sale of beer, wine, or spirituous liquors by retail, to be consumed on the premises, or for refreshment, resort, or entertainment, under the provisions of this Act, and shall refuse or neglect to quit on being requested by manager, &amp;c., or his agent or servant, or by any constable—</p> <p>Penalties, other than Excise penalties, recoverable before a Justice or Justices in Petty Sessions, &amp;c., within three months after offence committed, or such shorter time as may be limited herein with regard to any particular penalty.</p> <p><i>Mitigation.</i>—Justices if they shall see cause, are empowered to mitigate the penalties incurred; Excise penalties not less than one-fourth.</p> <p><i>Transfer.</i>—Licenses granted under this Act may be transferred as other Excise licenses in case of the removal of the licensed person; but the Excise shall not transfer the license unless the assignee be duly licensed to keep a refreshment house nor unless he shall produce a certificate of a Justice of the place that such Justice does not object to the transfer.</p> | <p>23. &amp; 24 Vic. c. 107, s. 42.</p> <p>s. 32.</p> <p>s. 35.</p> <p>25 Vic. c. 22 s. 15.</p> | <p>Penalty not exceeding 40s.; by distress; in default, imprisonment by Petty Sessions Scale. 1 J.</p> <p>And constables, on being required, are to assist in expelling such disorderly persons.</p> <p>—</p> <p>—</p> <p>—</p> |

\* This section is equally applicable to "public houses."

*Appeal.*—Party convicted of second or third offence may appeal to the next Quarter Sessions of the division (or Recorder, in the city of Dublin). If Sessions held

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                               | Statute.                 | Extent of Jurisdiction.                                                                 |
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| <b>REGIMENTALS:</b><br>Purchasing, see title "Mutiny Act," in this Index.                                                                                                                                                                                                                                                                     |                          |                                                                                         |
| <b>REGISTRATION</b> ( <i>of Births, Deaths, and Marriages</i> ).                                                                                                                                                                                                                                                                              |                          |                                                                                         |
| <i>Of Births and Deaths.</i> —Every person who shall wilfully make, or cause to be made, for the purpose of being inserted in any register of birth or death, any false statement touching any of the particulars in Act required to be known and registered.                                                                                 | 26 Vic. c. 11.<br>s. 55. | Same as if guilty of perjury.                                                           |
| And for destroying or falsifying register books—                                                                                                                                                                                                                                                                                              | s. 56.                   | Provides that ss. 36 & 37 of the Forgery Act, 24 & 25 Vic. shall form part of this Act. |
| Register refusing, or without reasonable cause, omitting to register birth or death, of which he has notice, or to make necessary alterations,—and every person having custody of Register book, or any part thereof, carelessly losing or injuring, or carelessly allowing same to be injured whilst in his keeping, for every such offence— | s. 57.                   | Penalty not exceeding £10; in default, &c., imprisonment not exceeding 3 months. 1 J.   |
| Neglecting to send Register books, copies, &c., to superintendent register or registrar general for one month after being required to do so, or at all refusing to do so,—                                                                                                                                                                    | s. 58.                   | Like penalty.                                                                           |
| Persons knowingly registering, or causing to be registered, the birth of any child otherwise than as by the Act required (s. 32), after the expiration of 3 months following birth, or knowingly registering, or causing to be registered, the birth of any child after 6 months, except born at sea or abroad.                               | s. 59.                   | Penalty not exceeding £5; in default, &c., imprisonment not exceeding 2 months. 1 J.    |

within twelve days, then to next subsequent Sessions. Justice shall also bind in recognition prosecutor and witnesses. For powers of Court of Quarter Sessions, see sections 36 and 37. Forms of proceedings on appeal as in Petty Sessions Act.

Proceedings on appeal may be ordered by Justices to be carried on by the constable, and the expenses of prosecution to be charged on the county—section 38.

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                    | Statute.                        | Extent of Jurisdiction.                                                               |
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| <b>REGISTRATION, &amp;c.—continued.</b>                                                                                                                                                                                                                                            |                                 |                                                                                       |
| <i>Notice of Birth or Death.</i> —Parents, or in the event of their death or inability, occupier of house, nurse, or any person present, required to give notice of birth within 21 days to registrar, and occupier or person present, &c., to give notice of death within 7 days. | 26 Vic. c. 11. ss. 31, 36 & 60. | Penalty not exceeding 20s.; in default, &c., imprisonment not exceeding 1 month. 1 J. |
| <i>Information.</i> —Any person required by Act who shall within the period specified therein fail to attend personally at the place specified by the registrar, and to give particulars required touching birth or death, or refusing to sign register in presence of registrar.  | s. 61.                          | Penalty not exceeding 40s.; in default, &c., imprisonment not exceeding 1 month. 1 J. |
| Person finding exposed any new born child or dead body forthwith to give notice of the finding, and place where found, to registrar, in default—                                                                                                                                   | s. 62.                          | Penalty not exceeding 20s.; in default, &c., imprisonment not exceeding 1 month. 1 J. |
| Where any of the persons required to give notice under the Act shall have done so, penalty not to be exacted from others, and notices may be given by post.                                                                                                                        | s. 63.                          |                                                                                       |
| No penalty to be exacted where the Justice is satisfied that failure to give notice or information has not been wilful—                                                                                                                                                            | s. 64.                          |                                                                                       |
| <i>Registration of Marriages.</i> —Every person who shall wilfully make or cause to be made, for the purpose of being inserted in any register of marriages, any false statement touching any of the particulars required by the Act to be registered.                             | 26 & 27 Vic. c. 90, s. 22.      | Same fines and penalties as if guilty of perjury.                                     |
| 36 & 37 secs. of Forgery Act, 24 & 25 Vic., c. 98, incorporated with Act.                                                                                                                                                                                                          |                                 |                                                                                       |

The Act does not say who shall sue for the penalties, but it would seem that the Registrar General, Superintendent or District Registrar, or indeed any constable or other public officer authorized to do so by the Lord Lieutenant, Registrar General or Attorney General, &c., may prosecute in the name of the Queen. Schedule of forms given in Act.

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Statute.                                                   | Extent of Jurisdiction.                                                                                                                                                                                                                                                                                                             |
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| <p><b>REGISTRATION, &amp;c.—<i>continued.</i></b><br/>           Every registrar who shall refuse or without reasonable cause, omit to fill certificate of marriage, or to register any marriage of which he shall have received certificate, and every person having custody of any register book or part thereof, who shall carelessly lose or injure same, or carelessly allow to be, &amp;c., whilst in his keeping, for every offence—</p> <p>Person who under Act is required to deliver register to superintendent registrar or registrar-general, after being duly required, refuses or during one month neglects so to do, shall for every such offence—<br/>           Nothing in this Act shall affect the Law of Marriage in Ireland.</p> | <p>26 &amp; 27 Vic.<br/>c. 90, s. 24.</p> <p>s. 25.</p>    | <p>Penalty not exceeding £10; in default, &amp;c., imprisonment not exceeding 3 months. 1 J.</p> <p>Penalty not exceeding £10; in default, &amp;c., imprisonment not exceeding 3 months. 1 J.</p>                                                                                                                                   |
| <p><b>REMISSION (<i>of Fine, &amp;c.</i>):</b><br/>           See "First Offence."</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                            |                                                                                                                                                                                                                                                                                                                                     |
| <p><b>RESTITUTION (<i>of Stolen Property</i>):</b><br/>           See "Stolen Property."</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                            |                                                                                                                                                                                                                                                                                                                                     |
| <p><b>RIOTS:</b><br/>           See "Party Processions" and "Proclamation."</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                            |                                                                                                                                                                                                                                                                                                                                     |
| <p><b>ROADS (<i>generally</i>):</b><br/> <i>Injuries to.</i>—Owner or occupier of contiguous lands omitting to scour ditches, or to have drains under passages in and out of roads to allow water to pass away; after notice—<br/>           Building houses within thirty feet of centre, except in streets of corporate or market towns, or where house stood when Act passed.</p> <p>Scouring, deepening, widening, or filling ditches or drains, altering fences, building wall, making ditch, drain, &amp;c., digging pits or hollows on road, or within thirty feet of centre (save upon or within any</p>                                                                                                                                      | <p>14 &amp; 15 Vic.<br/>c. 92, s. 9.</p> <p>"</p> <p>"</p> | <p>Penalty not exceeding 20s.; in default &amp;c., imprisonment not exceeding 1 month. 1 J.</p> <p>Penalty not exceeding £10, and 10s. a-week from conviction; in default, &amp;c., imprisonment by Petty Sessions Scale. 1 J.</p> <p>Penalty not exceeding 20s.; in default, &amp;c., imprisonment not exceeding 1 month. 1 J.</p> |

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Statute.                                                                                                                                   | Extent of Jurisdiction.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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| <p><b>ROADS—continued.</b><br/>           ancient fence adjoining such road), or otherwise breaking surface of road or foot-path, without consent of the county surveyor or authority of presentment.<br/>           (Centre of road to be deemed the centre of the part made with gravel or stones).<br/>           Any person who shall, without consent of surveyor or contractor, scrape any public road, cut sods or turf on the sides, or take earth, stones, &amp;c., from off it—<br/>           Drawing timber or stones along road without being supported by wheels from touching.<br/>           Riding or driving horse or other animal willingly and unnecessarily on any foot-path.<br/>           Surveyor, contractor, or other person who shall dig, raise, and carry away any gravel, stones, sand, or other materials from the side of any public road, or from beach or sea-shore, whereby road, bridges or land within the fences may be injured.*<br/>           Wilfully destroying any pay or turnpike gate, &amp;c., or rescuing any other in custody for the offence.<br/>           Assaulting engineers, contractors, &amp;c., or persons laying out line of road; injuring instruments or implements, milestones, posts, fences, erections, &amp;c.<br/>           Using new road for a certain time after making, contrary to notice-board.</p> | <p>14 &amp; 15 Vic. c. 92, s. 9.<br/>           „<br/>           „<br/>           „<br/>           „<br/>           „<br/>           „</p> | <p>Penalty not exceeding 20s.; in default, &amp;c., imprisonment not exceeding 1 month. 1 J.<br/>           Like.<br/>           Like.<br/>           Penalty not exceeding 5s. a-load; in default, &amp;c., imprisonment in proportion to amount, as in Petty Sessions Scale. 1 J.<br/>           Penalty not exceeding 40s., or imprisonment not exceeding 2 months. 1 J.<br/>           Penalty not exceeding £10, or imprisonment not exceeding 3 months.<br/>           Penalty not exceeding 20s. : in default, &amp;c., imprisonment not exceeding 1 month. 1 J.</p> |

\* The Grand Jury Amendment Act, 19 & 20 Vic., c. 63, s. 18, provides a penalty of 40s. against any road contractor or other person who, without the authority of a presentment, or the consent of the County Surveyor, shall cut any sods or turf on the sides, fences, or any other part of any public road, or dig, raise, or carry away any sods, turf, earth, clay, stones, gravel, or other materials from the sides, or fences, or any other part of any public road or bridge (notwithstanding anything in section 9 of 14 & 15 Vic., c. 92). But it does not state how the penalty is to be recovered, nor does it expressly refer the matter at all to Justices in Petty Sessions.

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Statute.                                     | Extent of Jurisdiction.                                                                                                                                                                                                                                                                                                                                                                |
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| <p><b>ROADS.—continued,</b><br/> <i>Obstructions, &amp;c.</i>—Surveyor or contractor, by ten days' notice, may require the removal of obstructions, order to fill drains, or to scour drains, which have been filled without authority, remove obstructions to free passage of water, &amp;c., and may require owners of land to prune hedges or trees, injurious to road, between 30th September and 1st March.</p>                                                                   | <p>14 &amp; 15 Vic.<br/>c. 92, s. 9.</p>     | <p>Justices may order that the person liable shall do the work; in default, to direct that contractor may do it; and Justices may issue warrant (distress) for expenses. 1 J.</p>                                                                                                                                                                                                      |
| <p>For other offences on roads, see "Nuisances on Roads;" "Cars;" "Drivers."</p>                                                                                                                                                                                                                                                                                                                                                                                                       |                                              |                                                                                                                                                                                                                                                                                                                                                                                        |
| <p><i>Contractor's Neglect in Repairing.</i>—If the contractor be guilty of neglect in performing his contract, surveyor may summon contractor and his sureties before the Justices of the district, and if the charge of neglect or inattention be established—</p>                                                                                                                                                                                                                   | <p>19 &amp; 20 Vic.<br/>c. 63, s. 17.</p>    | <p>Justices to make an order directing the contractor and his sureties to execute his contract within a period to be stated in such order. 2 J.</p>                                                                                                                                                                                                                                    |
| <p><i>Disobeying Order.</i>—If at the expiration of such order the county surveyor shall still see reason for being dissatisfied with the manner in which the work has been executed, he shall again summon contractor and his sureties before the Justices in Petty Sessions; and the Justices shall thereupon inquire into and finally adjudicate upon the complaint, and if it appear that the work has been insufficiently executed, or contrary to the terms of the contract—</p> | <p>"</p>                                     | <p>It shall be lawful for the Justices, having ascertained the amount which it may require for the completion of such work, according to the contract, to authorize the surveyor to complete same, and to levy such amount by warrant of distress upon the goods of such contractor and his sureties, not exceeding the amount of the recognizance or bond of such sureties.* 2 J.</p> |
| <p>Power to dig for materials, to repair roads, &amp;c., and Justice's order. See Grand Jury Act.</p>                                                                                                                                                                                                                                                                                                                                                                                  | <p>6 &amp; 7 Wm. iv.<br/>c. 116, s. 162.</p> |                                                                                                                                                                                                                                                                                                                                                                                        |
| <p><b>SALMON:</b><br/>See "Fisheries."</p>                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                              |                                                                                                                                                                                                                                                                                                                                                                                        |

\* It is in the power of the Magistrates to issue the warrant to levy the amount so ascertained to be requisite forthwith. They need not wait to have the money expended, for it is supposed that the money to be levied is that which is to be expended in completing the work.

The section does not state the number of Justices requisite. As the plural number is used, it is safe to have at least two in a matter of so much consequence.

| Offence, or cause of Complaint.                                                                                                                                                                                                                 | Statute.                                                                                         | Extent of Jurisdiction.                                                                                                                                                                              |
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| <b>SALVAGE :</b><br>See " Merchant Shipping Act."                                                                                                                                                                                               |                                                                                                  |                                                                                                                                                                                                      |
| <b>SANITARY ACTS:</b><br>See " Public Health."                                                                                                                                                                                                  |                                                                                                  |                                                                                                                                                                                                      |
| <b>SCALE :</b><br>Of imprisonment, proportioned to penalties.<br>See Petty Sessions Act in Appendix; and see " Scale," in the Index at the end.                                                                                                 | 14 & 15 Vic.<br>c. 93, s. 22.                                                                    | —                                                                                                                                                                                                    |
| <b>SCHOOLMASTER :</b><br>Entitled to recover wages for tuition from parents or person engaging him, not exceeding £10.                                                                                                                          | 14 & 15 Vic.<br>c. 92, s. 16.                                                                    | —                                                                                                                                                                                                    |
| <b>SEA :</b><br>For Justices' powers and duties in reference to offences committed on high seas, see—                                                                                                                                           | 14 & 15 Vic.<br>c. 93, s. 16.                                                                    | —                                                                                                                                                                                                    |
| <b>SEAMEN:</b><br>See title " Merchant Shipping."                                                                                                                                                                                               |                                                                                                  |                                                                                                                                                                                                      |
| <b>SEARCH-WARRANT:</b><br>For stolen property . . . .<br>For paper or implements employed in any forgery, and for forged instruments.<br>For counterfeit coin and coining implements.<br>See also under " Linen Acts," " Excise;" " Gunpowder." | 24 & 25 Vic.<br>c. 96, s. 103.<br>24 & 25 Vic.<br>c. 98, s. 46.<br>24 & 25 Vic.<br>c. 99, s. 27. | Search-warrant to issue on information on oath, or solemn affirmation made by a credible witness, and that there are reasonable grounds to suspect the person or place intended to be searched. 1 J. |
| <b>SERVANT:</b><br>See " Masters, Servants," &c.                                                                                                                                                                                                |                                                                                                  |                                                                                                                                                                                                      |
| <b>SHEBEEN HOUSES:</b><br>See " Excise."                                                                                                                                                                                                        |                                                                                                  |                                                                                                                                                                                                      |
| <b>SHEEP, &amp;c. (in possession unaccounted for):</b><br>Carcase of any sheep or lamb, or the head, skin, or any part thereof, or the fleece of any sheep or lamb, stolen or unlawfully taken, if found                                        | 25 & 26 Vic.<br>c. 50, s. 6.                                                                     | May be committed to gaol until next Petty Sessions for district, unless he shall enter                                                                                                               |



| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                        | Statute.                      | Extent of Jurisdiction.                                                                                                                                                                                                                                                           |
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| <p><b>SHEEP, &amp;c.—continued.</b><br/> under search-warrant, or any constable, &amp;c., acting in discharge of his duty, in the possession or on the premises of any person who shall not satisfy the Justice before whom brought that he came lawfully by same, or that same was on his premises without his knowledge or assent*—<br/> Stealing deer, &amp;c.—see “Larceny.”<br/> In case of sheep injured by dogs—see “Dogs.”</p> |                               | into recognizance with one or more sureties to appear; and failing to account for same as aforesaid, shall, on summary conviction, either be committed for a term not exceeding 3 months, or be liable to a fine not exceeding £5 (enforced as in Petty Sessions Act, 1851). 1 J. |
| <p><b>SHERIFF :</b><br/> No Sheriff can act as a J.P. while Sheriff.</p>                                                                                                                                                                                                                                                                                                                                                               | 7 Wm. iii.<br>c. 13. s. 3.    | Under a penalty of £20, and his acts shall be void.                                                                                                                                                                                                                               |
| <p>Sheriff or Bailiff receiving other than fees allowed by Civil Bill Act.</p>                                                                                                                                                                                                                                                                                                                                                         | 27 & 28 Vic.<br>c. 99, s. 17. | Liable to £20 to person who shall sue for same by Civil Bill.                                                                                                                                                                                                                     |
| <p>Bailiff or his assistants extorting, &amp;c.<br/><br/> By violence, threats, &amp;c., to, when executing, &amp;c., or by force compelling Sheriff or Bailiff, &amp;c., to abandon seizure of body or goods, or rescuing or attempting to rescue body or goods seized.</p>                                                                                                                                                           | s. 18.<br><br>a. 26.          | Misdemeanor. Fine or imprisonment, or both.<br>Misdemeanor ; imprisonment not exceeding 6 months, with or without H.L.                                                                                                                                                            |

\* But should there be evidence of a *stealing or wilfully killing with intent to steal* (these offences being “felony,” under 24 & 25 Vic., c. 96, sections 10 & 11), the Justices will of course abstain from summarily adjudicating, and return the case for trial by indictment.

*Sheriff.*—Is an officer of very great antiquity in this kingdom, called in Latin Vice Comes, as being the deputy of the Earl, or *Comes* to whom the custody of the Shire is said to have been committed at the first division of the kingdom into counties. The power and duty of a Sheriff are either as a judge, as a keeper of the King's peace, as a ministerial officer of the Superior Courts of justice, or as the Queen's Bailiff. He is to determine the elections of knights of the shire, and return such candidates as he shall determine to be duly elected. As the *keeper of the Queen's peace*, both by the common law and special commission, he is the first man in the county, and superior in rank to any nobleman therein, during his office. He may and is bound ex officio to pursue and take all traitors, murderers, felons and other misdoers, and commit them to gaol for safe custody. He is also to defend his country against any of the Queen's enemies when they come into the land, and for this purpose as well as for keeping the peace and pursuing felons, he may command all the people of his county to attend him, which is called the posse comitatus, or power of the county, which summons every person above 15 years old and under the degree of a Peer, is bound to attend upon warning under pain of fine and imprisonment.

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                       | Statute.                      | Extent of Jurisdiction.                                                                          |
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| SHIPWRECKED GOODS:<br>Found in possession of, &c.<br>See "Larceny."                                                                                                                                                                                                                                                   |                               |                                                                                                  |
| SHOWS ( <i>in Towns</i> ):<br>See "Towns Improvement Act,"                                                                                                                                                                                                                                                            | 17 & 18 Vic.<br>c. 108.       | —                                                                                                |
| SHRUBS:<br>See "Larceny," and "Vegetable<br>Productions."                                                                                                                                                                                                                                                             |                               |                                                                                                  |
| SKIN ( <i>Stolen</i> ):<br>See "Larceny," "Sheep," and "Stolen<br>Property."                                                                                                                                                                                                                                          |                               |                                                                                                  |
| SLAUGHTERING ( <i>on Roads, &amp;c.</i> ):<br>Any person who shall slaughter any<br>beast, or leave any dead beast or<br>skin, or permit to be skinned any<br>beast on any public road, or within<br>30 feet of the centre thereof (save<br>in house or enclosed yard)—<br>See also under "Towns Improvement<br>Act." | 14 & 15 Vic.<br>c. 92, s. 10. | Penalty not exceeding<br>10s.; in default, &c.,<br>imprisonment not ex-<br>ceeding 14 days. 1 J. |
| SLIDES:<br>Making, upon ice or snow, on roads<br>or streets.                                                                                                                                                                                                                                                          | 14 & 15 Vic.<br>c. 92, s. 10. | Penalty not exceeding<br>10s.; in default, &c.,<br>imprisonment not ex-<br>ceeding 14 days. 1 J. |
| SMALL-DEBTS:<br>See "Debts."                                                                                                                                                                                                                                                                                          |                               |                                                                                                  |
| SMALL-POX:<br>Persons inoculating for, or producing.<br>See "Vaccination."                                                                                                                                                                                                                                            | 3 & 4 Vic.<br>c. 29, s. 8.    | Imprisonment not ex-<br>ceeding 1 month. 2 J.                                                    |
| SMUGGLING:<br>See "Customs."                                                                                                                                                                                                                                                                                          |                               |                                                                                                  |
| SNARES:<br>Setting for deer—see "Larceny,"                                                                                                                                                                                                                                                                            | 24 & 25 Vic.<br>c. 96, s. 15. | —                                                                                                |
| SOCIETIES:<br>See "Friendly Societies."                                                                                                                                                                                                                                                                               |                               |                                                                                                  |
| SOLDIERS:<br>See title, "Mutiny Act."                                                                                                                                                                                                                                                                                 |                               |                                                                                                  |

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                              | Statute.                              | Extent of Jurisdiction.                                                                                                                                                                            |
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| <b>SPIRITS:</b><br>See titles, " Customs," " Excise,"<br>" Publicans," " Refreshment<br>Houses," as the case may be.                                                                                                                                                                                                                                         |                                       |                                                                                                                                                                                                    |
| <b>STAMPS:</b><br><i>Petty Sessions Stamps.</i> —Stamps to be<br>used on proceedings before Magis-<br>trates, and on the several documents<br>enumerated in Schedule to Act.<br>Provisions of the Acts relating to<br>Stamps under the management of<br>Commissioners of Inland Revenue<br>for preventing frauds, &c., extended<br>to Petty Sessions Stamps. | 21 & 22 Vic.<br>c. 100.<br><br>s. 18. | See Abstract of this Act<br>in the Appendix.<br><br>Consequently the provi-<br>sions and regulations<br>for cancelling or defac-<br>ing used stamps in any<br>other case will apply<br>to these. — |
| No receipt required to be given under<br>the provisions of the Petty Sessions<br>(Ireland) Act shall be subject to any<br>stamp duty payable to the Crown.                                                                                                                                                                                                   | 14 & 15 Vic.<br>c. 93, s. 40.         | —                                                                                                                                                                                                  |
| <i>Revenue Stamps.*</i> —Selling stamps<br>without licence, or elsewhere than<br>at the place named in licence.                                                                                                                                                                                                                                              | 3 & 4 W. iv.<br>c. 97, s. 3.          | Penalty £20.      1 J.                                                                                                                                                                             |

\* *Revenue Stamps.*—Nothing in Petty Sessions Act shall apply to proceedings relating to Her Majesty's Revenue of Stamps, &c., except that all proceedings as to the same may be in the forms of procedure required by Petty Sessions Act, 14 & 15 Vic., c. 93, sec. 42.

*Recovery of Penalties under Stamps Act.*—56 Geo. iii., c. 56, s. 184, provides that all penalties and forfeitures imposed or to be imposed by or under this Act, or any Act or Acts which is or shall be in force in Ireland, may be recovered in the Superior or Quarter Sessions Courts.

*Magistrates' Jurisdiction.*—Section 189.—In offences where the penalty does not exceed £40, committed against this Act, or any other Acts in force, or which shall at any time be in force in Ireland, save where the contrary is expressly directed, any Justice may determine the offence. Warrant of distress to issue under hand and seal. Goods seized to be sold, unless redeemed within six days. In default of payment, and of sufficient goods, the same Justice or any other Justice may commit to prison, not less than one, nor more than three months.

*Appeal.*—Either party, whether prosecutor or party convicted, feeling aggrieved, may appeal to the next Quarter Sessions to be holden next after fourteen clear days. Ten clear days' notice in writing shall be given to the adverse party, previous to the first day of the Quarter Sessions. Where prosecutor appeals, he "shall give sufficient security by recognizance, with two sufficient sureties, before such Justice, to pay such costs as shall be awarded in case such judgment shall be affirmed." Where party convicted appeals, he "shall give sufficient security by recognizance, with two sufficient sureties, before such Justice, to pay the amount of the penalty imposed, and

| Offence, or cause of Complaint.                                                                                                              | Statute.                      | Extent of Jurisdiction.                                               |
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| <b>STAMPS—continued.</b>                                                                                                                     |                               |                                                                       |
| Hawking stamps for sale,                                                                                                                     | 3 & 4 W. iv.<br>c. 97, s. 14. | Penalty £20. 1 J.                                                     |
| Fraudulently removing adhesive receipt stamp, or committing fraud to evade duty.                                                             | 16 & 17 Vic.<br>c. 59.        | Penalty £20; and also liable to penalty of £50, under 23 Vic., c. 15. |
| <i>Apprenticeship.</i> —Indentures and assignments of apprenticeship in Ireland, where premium does not exceed £10, exempt from stamp duty.* | 5 & 6 Vic.<br>c. 82.          |                                                                       |
| Indentures of apprenticeship to the sea service (exempt from duty).                                                                          | 17 & 18 Vic.<br>c. 104.       |                                                                       |
| Affidavits, &c., under Insolvent Debtors' Act, made before Magistrate, exempt, and also exempt from Petty Sessions stamps.                   | 1 & 2 Vic.<br>c. 110.         |                                                                       |

costs awarded by the conviction, together with such further costs as shall be awarded on appeal."—Section 189.

*Complaints* must be made within twelve months after offence.

*Neglect, &c.*—Justice of the Peace, or peace officer, neglecting or refusing to carry Act into execution liable to penalty of £40.

*Convictions* to be returned within ten days to Clerk of the Peace.

\* *Apprenticeship.*—For scale of duties on indentures of "apprenticeship and clerkship" to learn profession, trade, or employment—see Stamp Act (16 & 17 Vic., c. 57).

*"Births, &c."*—Certified copy or extract of any register of births, baptisms, marriages, deaths, or burials, stamp duty 1d. If an adhesive stamp be used, to be initialed and date of cancelling, under penalty of £20 (23 Vic., c. 15).

*"Receipt,"* or discharge amounting to £2 or upwards, or any writing whatever (whether signed or not), acknowledging or importing that a sum or debt of £2 or upwards has been paid, settled, balanced, or otherwise satisfied, 1d. stamp (16 & 17 Vic., c. 59). Any writing which imports a general acknowledgment of a debt, &c., or acknowledges any stated sum to be in full discharge of a debt, is also liable to the above duty.

Persons giving unstamped receipts are liable to a penalty of £10. Receipts may be stamped within fourteen days of the date, on payment of a penalty of £5, or within one month, on payment of a penalty of £10; after that time they cannot be stamped.

Adhesive stamps may be cancelled by writing or stamping initials thereon, together with any other particulars specially required by law to be written thereon, so as that the stamp shall be effectually obliterated and cancelled—24 & 25 Vic., c. 91.

*Duties of Officers of Court with respect to Unstamped or insufficiently Stamped Documents.*—By the Common Law Procedure (Ireland) Act, 19 & 20 Vic., c. 102, s. 84, it is provided, that on the production of any document as evidence at the trial of any cause, it shall be the duty of the officer of the Court, whose duty it is to read such document, to call the attention of the Judge to any omission or insufficiency of the stamp; and the document, if unstamped, or not sufficiently stamped, shall not be received in evidence until the whole, or (as the case may be) the deficiency of the stamp

| Offence, or cause of Complaint.                                                                                                 | Statute.                       | Extent of Jurisdiction.                                                                                                                    |
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| STATEMENT ( <i>of Case for Opinion of Superior Court</i> ):<br>See title "Case Stated."                                         | 20 & 21 Vic.<br>c. 43.         |                                                                                                                                            |
| STOLEN PROPERTY:<br>For the punishment of stealing, &c.,<br>see title "Larceny."                                                |                                |                                                                                                                                            |
| <i>Restoration.*</i> —Where juvenile offenders summarily convicted under—                                                       | 14 & 15 Vic.<br>c. 92, s. 6.   | Justice may order the property stolen to be restored to owner. 1 J.                                                                        |
| So likewise, where case summarily tried under the Criminal Justice Act.                                                         | 18 & 19 Vic.<br>c. 126, s. 8.  | Lika. Two Justices or one Stipendiary.                                                                                                     |
| Shipwrecked goods found in possession of any person—                                                                            | 24 & 25 Vic.<br>c. 96, s. 65.  | Justice may order to be restored to the owner.<br>1 J.                                                                                     |
| STONE THROWING ( <i>in Streets, &amp;c.</i> ):<br>See Towns' Improvement Act, for offence of throwing stones or other missiles. | 17 & 18 Vic.<br>c. 103, s. 72. | Penalty not exceeding 10s. 1 J.                                                                                                            |
| Similar offence, under the Police Clauses Act.                                                                                  | 10 & 11 Vic.<br>c. 89, s. 28.  | Penalty not exceeding 40s., or imprisonment not exceeding 14 days.<br>1 J.<br>First see which (if either) Act is in force in the district. |
| STOWAWAYS:<br>See "Passenger Ships."                                                                                            |                                |                                                                                                                                            |

duty and the penalty required by statute, together with the additional penalty of £1 shall have been paid. (Clerk to pay the duties to Inland Revenue—s. 85).

To ascertain the penalties on executed instruments in proportion to the time which may have elapsed—see 13 & 14 Vic., c. 97.

*Criminal Proceedings.*—In all criminal proceedings, instruments liable to stamp duty are admissible in evidence, although the stamp required by law may be wanting—17 & 18 Vic., c. 88.

\* *Restoration of Stolen Property.*—By the larceny Act, 24 & 25 Vic., c. 96, sec. 100, the owner of property prosecuting the thief or receiver to conviction *by indictment*, shall have restitution of his property, and the Court is empowered to award writs of restitution. There is not a general power to make this order in cases of summary jurisdiction, but there will be found in the Act, what will answer the purpose equally well. In the case of shipwrecked goods it is specifically given under section 65; in other cases they have power to award compensation for the property taken, and to enforce the order by imprisonment; and where any property has been stolen, the offender and property are to be taken before a Justice; or where the property is not forthcoming, but is suspected to be in any place, the Justice may issue a search-warrant to have it brought before him, that the prisoner and the property may be dealt with according to law.

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                          | Statute.                         | Extent of Jurisdiction.                                                                                                                                  |
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| <p><b>STREET OBSTRUCTIONS:</b><br/> <i>General Section.</i>—Any person who shall in any manner wilfully, or by negligence or misbehaviour, prevent or interrupt the free passage of any person or carriage on any public road, street, or crossing.</p> <p>For other offences, see "Nuisances on Roads;" "Cars, &amp;c.;" "Drivers."</p> | 14 & 15 Vic. c. 92, s. 14.       | Penalty not exceeding 20s.; in default, &c., imprisonment not exceeding 1 month. 1 J.                                                                    |
| <p><b>SUMMONS AND SUMMONS-SERVER:</b><br/> By whom summons is to be served; fee; what shall be good service (except where any special mode of service pointed out in particular cases).<br/> See Act referred to in the "Appendix."</p>                                                                                                  | 14 & 15 Vic. c. 93, s. 12.       | —                                                                                                                                                        |
| <p><b>SUNDAY:</b><br/> Tradesmen, labourers, &amp;c., or other such person, following ordinary callings on Sunday (except works of necessity or charity), and being upwards of 14 years of age.</p>                                                                                                                                      | 7 Wm. iii. c. 17, s. 1. (Irish). | Penalty 5s.; in default, &c., imprisonment by Petty Sessions Scale. (The punishment in the section, in default of distress, is two hours in the stocks). |
| Crying or selling wares, fruit, goods, &c.                                                                                                                                                                                                                                                                                               | "                                | Forfeiture of articles exposed for sale. 1 J.                                                                                                            |
| Carrier, butcher, &c., travelling on Sunday.                                                                                                                                                                                                                                                                                             | s. 2.                            | Penalty 20s.; in default, &c., imprisonment by Petty Sessions Scale. 1 J.                                                                                |
| Playing at hurling, foot-ball, wrestling, and other games and sports.                                                                                                                                                                                                                                                                    | s. 3.                            | Penalty 12d., recoverable as above. 1 J.                                                                                                                 |
| Pawnbroker taking in pawns on Sunday—see "Pawnbroker."                                                                                                                                                                                                                                                                                   |                                  |                                                                                                                                                          |
| In indictable offences, Justices may issue his warrant on Sunday.                                                                                                                                                                                                                                                                        | 14 & 15 Vic. c. 93, s. 11.       | —                                                                                                                                                        |
| Churchwardens' duties in respect to; see—<br>For unlawful sales of beer and spirits on Sundays, see "Publicans."                                                                                                                                                                                                                         | 10 & 11 Vic. c. 89.              | —                                                                                                                                                        |

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                            | Statute.                                  | Extent of Jurisdiction.                                                                                                                                                                                                                               |
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| SURETIES OF THE PEACE AND GOOD BEHAVIOUR:                                                                                                                                                                                                                                                                                                                                                                                                                  |                                           |                                                                                                                                                                                                                                                       |
| <i>Of the Peace.*</i> —Wherever a person has just cause to fear that another will do him a corporal hurt, as by killing or beating him, or will procure others to do so, or to burn his house, or threatening to hurt his wife or child; upon satisfying the Justice, by one or more informations on oath, that he is actually under such fear, and that he has just cause to be so, and that he does not require such sureties out of malice or vexation. | Under the Commission of the Peace.        | Every Justice of the Peace is bound to grant it, for such <i>limited</i> period, and in such amount as in his discretion he may think reasonable; and, in default, to commit the party for that period, or until he finds the sureties required. 1 J. |
| Justice may, <i>ex officio</i> , bind those who in his presence make affray, threaten to kill or beat any person, or contend together with hot words, or go about with unusual weapons to the terror of the people, or break the peace, in presence of a constable, or who challenge another to fight.                                                                                                                                                     | Under the Commission of the Peace.        | Like.                                                                                                                                                                                                                                                 |
| <i>Of Good Behaviour†—of whom required.</i> —Persons whom Justice of the Peace shall have just cause to suspect to be dangerous, quarrelsome, scandalous, common quarrellers, and common breakers of the peace; rioters; those who lie in wait to rob, or are suspected to do so, or who assault or attempt to rob another, or put passengers in fear or peril;                                                                                            | 34 Edw. iii. c. 1.<br>And the Commission. | Justice of the Peace has a discretionary power to take sureties of all such, and others whose behaviour may reasonably be intended to bring them within the meaning of the statute, as “persons of evil fame.”                                        |

\* Surety of the Peace, so called, because the party that was in fear is thereby secured, is a recognizance entered into to the King for the keeping of the peace.—*Bac. Abr.*

This surety of the peace every Justice may take and command by a two-fold authority; first, as a minister commanded thereto by a higher authority, as when a writ directed out of the Chancery or Queen's Bench is delivered to him; secondly, as a Judge, and by virtue of his office, derived from his commission.

The clause of the commission of the peace referred to runs thus:—“And to cause to come before you, or any of you, all these persons who shall threaten any of our people in their person, or with burning their houses, to find sufficient security for the peace, or for their good behaviour towards us and our people; and if they shall refuse to find such security, then to cause them to be safely kept in our prison, until they shall have found security.” (But a definite reasonable time should be stated).

† Surety for the good behaviour is granted by the Justices, by the authority of the commission of the peace, and by force of the statute above mentioned.

The Author has collated above the offences for which Justices, in the exercise of the discretion allowed them by the statute, generally require sureties. There are to be

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                             | Statute. | Extent of Jurisdiction. |
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| <p><b>SURETIES OF THE PEACE AND GOOD BEHAVIOUR—con.</b><br/> such as be generally feared or suspected be to highway-robbers: night-walkers, who sleep in the day and go abroad at night, that be suspected to be pilferers, or otherwise like to disturb the peace; such as abuse constables, &amp;c., in executing their office; common drunkards, and idle vagabonds.</p> |          |                         |

found in the text-books many more, some of which the Poor Law, and other modern legislation, deal with in another way; and others still remain, which, in the present day, it would be neither judicious nor discreet to bring within their jurisdiction; with respect to these, the statute may be said to have expired. In requiring sureties the Justice acts *judicially*: when in obedience to a superior court *ministerially*. Dalt. J. cc. 116, 123. Hutt's case, 2 Burr. 1039.

The schedule to 14 & 15 Vic., c. 93, gives the form of recognizance; section 34 of that Act points out the particulars which it should contain. The 57 Geo. iii., c. 56, sec. 2, gives the form of oath which is to be annexed to or written on the recognizance.

"I, A. B., do swear that I am a householder, and have a house wherein I usually reside at —, in the parish of —, barony (or half barony) of —, and county of — and that I support and maintain myself by —, and that I am worth the sum of (*here insert double the sum in which he or she is to be bound*), over and above all my just debts. So help me God.

Principles to be sworn only as to residence—sec. 3.

Penalty on Magistrates neglecting to comply with the provisions of this Act, £50—s. 4.

There is no form of oath given in the form of recognizance in Schedule to Petty Sessions Act; and section 34 of that Act states that every recognizance so taken according to the form in the schedule shall be binding and effectual. It would, however, be of little value that the bond should be "binding and effectual," if the sureties be insolvent. The Justice protects himself when he requires them to qualify on oath.

The practice is to require the sureties to qualify in double the amount of the bond. New sureties cannot be required if the former should die, as their executors and administrators continue liable. It has been decided that if the accused find sureties and be discharged, he cannot, on the ground of their being insufficient, be again arrested and ordered to find fresh bail. The contrary position, however, rests on the high authority of Serjeant Hawkins. The summary of the decisions seems to be, that if the Justices be misled or imposed upon as to the solvency of the sureties, and that they should, on sufficient sworn information, consider new bail requisite, they may require such. It is said that where a breach of the peace has been committed, and the offender punished by fine or imprisonment, the Justices cannot on that same complaint order him to find sureties. Still, if an assault has been committed, and accompanied then, or followed subsequently, with a threat of further bodily harm, there appears no reason why distinct complaints may not be brought, one for the assault and the other for sureties to keep the peace. For aggravated assaults on females and boys, under the 24 & 25 Vic., c. 100, sec. 43, the Justices may, on the same complaint, punish for the offence, and also require sureties. The grounds upon which sureties of the peace



| Offence, or cause of Complaint.                                                                                                                                                             | Statute.                      | Extent of Jurisdiction.                                                                                                                                                    |
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| <b>SWEARING :</b><br>Profane cursing or swearing in presence of Justice. If a servant, labourer, soldier, or seaman—                                                                        | 7 W. iii.<br>c. 9, s. 1.      | Penalty 1s. ; in default, &c., imprisonment by Petty Sessions Scale.                                                                                                       |
| Other persons, . . . . .                                                                                                                                                                    | ”                             | 1 J.<br>Penalty 2s. ; in default, &c., imprisonment by Petty Sessions Scale.<br>1 J.<br>The punishment in the Act is:—adult, one hour in the stocks; youths to be whipped. |
| See also “Blasphemy in streets,” &c.                                                                                                                                                        |                               |                                                                                                                                                                            |
| <b>SWEEPS :</b><br>See “Chimney Sweeps.”                                                                                                                                                    |                               |                                                                                                                                                                            |
| <b>SWINE :</b><br>Allowing to wander on public road or street.                                                                                                                              | 14 & 15 Vic.<br>c. 92, s. 10. | Penalty not exceeding 2s. ; in default, &c., imprisonment not exceeding 1 week. 1 J.                                                                                       |
| May be impounded if owner not known.<br>See also “Commons.”                                                                                                                                 | ”                             | —                                                                                                                                                                          |
| <b>TELEGRAPHS :</b><br>Injuries to electric or magnetic telegraphs, or attempting to injure—see “Malicious Injuries.”                                                                       |                               |                                                                                                                                                                            |
| <b>TENEMENTS :</b><br>See “Landlord and Tenant.”                                                                                                                                            |                               |                                                                                                                                                                            |
| <b>TENTS OR BOOTHS AT FAIRS, &amp;c. :</b><br>For the granting of occasional licence to sell thereat, see—<br>Consent in writing of two Justices must be first obtained.                    | 25 Vic. c. 22,<br>s. 13.      | —                                                                                                                                                                          |
| So much of any Act as permits sale of beer, spirits, or wine at fairs or races without an Excise licence repealed.<br>For offences against the conditions of licence, &c., see “Publicans.” | ”<br>s. 12.                   | —                                                                                                                                                                          |

are sought should appear on one or more sufficient informations. For form of notice to estreat recognizance, see “Appendix.”

The 50 Geo. iii., c. 102, s. 7, enabling Justices to compel suspected strangers who could not give a satisfactory account of themselves, to find sureties, repealed by 28 Vic., c. 33.

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Statute.                                                                       | Extent of Jurisdiction.                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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| <p><b>TENTS OR BOOTHS AT FAIRS, &amp;c.</b><br/>—<i>continued.</i></p> <p><i>At Fairs or accustomed Races.</i>—Not to be open for sale of spirits, wine, or beer between six in the evening and nine o'clock in the morning between 1st April and 1st October, or between three p.m., and 9 a.m., between 1st October and 1st April following, nor at all on Sunday, Good Friday, Christmas Day, or public fast or thanksgiving day; for offending—</p> <p>Justices, and constables duly authorized, may enter tents, &amp;c., during the prohibited hours, and remove persons, not being lodgers or inmates, found drinking, tipping, or gaming therein. Persons refusing to quit, forcibly resisting, or found drunk therein, may be apprehended; and being duly convicted—</p> <p>Soldiers to be amenable to military discipline.</p> <p><i>Occasional Licence.*</i>—Commissioners of Inland Revenue may, with the consent in writing of two Justices, grant to persons already duly licensed an occasional licence to sell, for a period not exceeding three days at a time, at any such other place to be specified in such licence. No sales to be after sunset or before sunrise. No sales to be on Sunday, Christmas Day, Good Friday, or public fast or thanksgiving day. Persons selling not to be protected, unless at the time of sale he produce, when requested by Excise officer or constable, &amp;c., such licence.</p> | <p>6 &amp; 7 W. iv. c. 38, s. 5.</p> <p>s. 6.</p> <p>25 Vic. c. 22. s. 13.</p> | <p>Penalty £2, and not less than 10s., by distress; in default, &amp;c., imprisonment not exceeding 1 month. 2 J.</p> <p>Penalty not exceeding 20s., nor less than 5s.; and in default, &amp;c., imprisonment not exceeding 1 week. 2 J.</p> <p>Consent to be given by two Justices usually acting at the Petty Sessions for the division within which the place of sale is situate (that is, the place where the occasional licence is to be used).</p> |

\* *Occasional Licence.*—A licensed publican does not need an occasional licence to sell at fairs or accustomed races; however, it would appear that section 12 of the above Act had been or was likely to be misunderstood, and the following order was issued by the Board of Inland Revenue:—

“GENERAL ORDER.

“Somerset House, London, 28 July, 1862.

“Ordered—The provisions contained in the 6 Geo. iv., c. 81, s. 11, permitting licensed publicans to sell under their licences at fairs and races are not repealed. All

| Offence, or cause of Complaint.                                                                                                                                                                                                         | Statute.                       | Extent of Jurisdiction.                                                               |
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| <b>THIMBLERS AND SWINDLERS :</b><br>See Towns Improvement Act, set out in "Appendix."                                                                                                                                                   | 17 & 18 Vic.<br>c. 103, s. 76. | See if Act in force in the district. 1 J.                                             |
| <b>THRESHING OR WINNOWING<br/>CORN ON ROADSIDE, . . .</b>                                                                                                                                                                               | 14 & 15 Vic.<br>s. 92, s. 10.  | Penalty not exceeding 10s.; in default, &c., imprisonment not exceeding 14 days. 1 J. |
| <b>TIMBER :</b><br>Conveying on public road or street cars with timber, boards, or iron laid across, so that either end project more than two feet beyond the wheels or sides thereof.<br>(See "Nuisances on Roads," and note at foot). | 14 & 15 Vic.<br>c. 92, s. 10.  | Penalty not exceeding 10s.; in default, &c., imprisonment not exceeding 14 days. 1 J. |
| <b>TOBACCO :</b><br>See "Smuggling."                                                                                                                                                                                                    |                                |                                                                                       |

licensed publicans requiring to sell beer, spirits, wine, or tobacco, on other occasions than at fairs and races, must take out a licence as directed by the 13 section of 25 Vic., c. 22."

The Board consider that the following are some of the cases in which occasional licences ought to be granted, viz.:—1. Agricultural, floral, or horticultural meetings. 2. Cricket matches. 3. Athletic sports. 4. Public dinners, fêtes of schools, or benefit, &c., societies. 5. Auction sales. 6. Volunteer or archery meetings, or shooting matches. 7. Bazaar or fancy fairs, or regattas.

#### FORM OF CONSENT BY JUSTICE AS APPROVED BY COMMISSIONERS.

"I, the undersigned, being a Justice of the peace, usually acting at the Petty Sessions for the Petty Sessional Division in which the place of sale hereinafter mentioned is situated, do consent to an occasional licence for the sale of exciseable liquors on the [insert the day or days (not exceeding three days) for which the consent is given], day of —, 186 , at —, on the occasion of [insert the occasion to which the consent applies, as "an agricultural show," "public races," "a fair," "a cricket match," or according to the fact], being granted to —, he being duly authorized to keep a common inn, ale house, and victualling house."

The section says, consents of two Justices; but if two Justices sign the one document it will answer equally well. It need not be signed in Petty Sessions.

The penalty incurred by any person for selling without the "occasional licence" above referred to (besides any Excise penalty), may be sued for by the Constabulary either under the Publicans' Act, 6 & 7 Wm. iv., c. 38, ss. 18 & 19, or under 17 & 18 Vic., c. 89, s. 3, for which see titles, "Excise" and "Publicans." The offence may be either—selling without licence; or, a licensed person selling on unlicensed premises.

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                  | Statute.                              | Extent of Jurisdiction.                                                                                    |
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| <b>TOLLS:</b><br>See "Turnpike."                                                                                                                                                                                                                                                 |                                       |                                                                                                            |
| <b>TOWNS IMPROVEMENT ACT,*</b><br>See "Appendix."                                                                                                                                                                                                                                | 17 & 18 Vic.<br>c. 103.               | —                                                                                                          |
| <b>TOWN COMMISSIONERS ACT.</b>                                                                                                                                                                                                                                                   | 9 Geo. iv.<br>c. 82.                  | —                                                                                                          |
| <b>TRADE MARKS:</b><br>See "Merchandise Marks."                                                                                                                                                                                                                                  |                                       |                                                                                                            |
| <b>TREES, PLANTS, &amp;c. :</b><br>See "Larceny," and "Malicious Injuries," as the case may be.                                                                                                                                                                                  |                                       |                                                                                                            |
| <b>TRESPASS (Of Persons) :</b><br>Wilful trespass in field, garden, pleasure-ground, wood, plantation, or other place, and neglecting or refusing to leave when warned—<br>Repetition of trespass within three months after such warning.                                        | 14 & 15 Vic.<br>c. 92, s. 8.<br><br>" | Penalty not exceeding 10s. ; in default, &c., imprisonment not exceeding 1 week. 1 J.<br><br>—             |
| Unauthorized persons entering upon the lands of others to look for, start, shoot, course, hunt, &c., game or wild fowl.<br>For trespass of animals, rates of trespass, and pound-keepers' fees, see "Pound."<br>In pursuit of game, and fishing.<br>See "Game," and "Fisheries." | 27 Geo. iii.<br>c. 35, s. 10.         | Penalty not exceeding £10; in default, &c., imprisonment not exceeding 1 month. 1 J.                       |
| <b>TROUT:</b><br>See "Fisheries."                                                                                                                                                                                                                                                |                                       |                                                                                                            |
| <b>TUITION:</b><br>See "Schoolmaster."                                                                                                                                                                                                                                           |                                       |                                                                                                            |
| <b>TURF:</b><br>Stealing, or damaging with intent to steal, any turf or peat manufactured or partly manufactured for fuel (value or injury done not exceeding 40s.)                                                                                                              | 25 & 26 Vic.<br>c. 50, s. 5.          | Shall pay compensation, and also a fine not exceeding £5, or to be imprisoned not exceeding 3 months. 1 J. |

\* As this Act is at present limited in its application, to prevent mistake its provisions are not here introduced. It is of sufficient extent to be specially noticed, and a copious abstract will be found in the Appendix.

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Statute.                                                   | Extent of Jurisdiction.                                                                         |
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| TURKEY ( <i>stealing</i> ):<br>See "Poultry."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                            |                                                                                                 |
| TURNPIKE-GATE:<br>Wilfully damaging or destroying any pay-gate or turnpike-gate, post, rail, &c., or fence of any kind used to prevent passengers passing without paying toll, or any toll-house, or rescuing or attempting to rescue person in custody for the offence—                                                                                                                                                                                                                                                                                                                                    | 14 & 15 Vic.<br>c. 92, s. 9.                               | Penalty not exceeding 40 <i>s.</i> , or imprisonment not exceeding two months. 1 J.             |
| TURNPIKE ABOLITION ACT, 1857.<br><br>Persons examined under authority of this Act, giving false evidence, refusing to give evidence, destroying documents, &c.—<br><br>Power to Justices at Petty Sessions to give possession of toll-house to Commissioners.<br><br>Act gives schedule of local and personal Acts repealed.                                                                                                                                                                                                                                                                                | 20 & 21 Vic.<br>c. 16.<br><br>s. 12.<br><br>s. 42.         | —<br><br>Penalty not exceeding £10; recoverable under Petty Sessions Act. 1 J.<br><br>—         |
| UNION (ACT OF, BETWEEN ENGLAND AND IRELAND, 1800).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 40 Geo. iii.<br>c. 38. (1.)<br>39 & 40 Geo.<br>iii. c. 67. | Ratified in the Parliament of Great Britain, 2nd July, 1800. Came into force 1st January, 1801. |
| UNWHOLESOME MEAT:<br>See "Frauds as to Provisions."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                            |                                                                                                 |
| VACCINATION:<br>Parents and guardians of children born after 1st January 1864, required to have such children vaccinated within 6 months after birth.<br>Children to be taken for inspection by Medical officer by whom operation performed on the eighth day after operation.<br>Medical officer to give certificate of successful vaccination, and also cause same to be duly registered.<br>If child be not in a fit state for vaccination, the medical officer to deliver a certificate to that effect to be in force for two months.<br>Child's incapacity to receive vaccine disease to be certified. | 26 & 27 Vic.<br>c. 52, s. 1.<br><br>s. 2.<br><br>s. 3.     |                                                                                                 |

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Statute.                      | Extent of Jurisdiction.                                                                      |
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| <b>VACCINATION—<i>continued.</i></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                               |                                                                                              |
| Registrar of births, and deaths, to keep a register of cases of successful vaccination of which searches and extracts may be made.                                                                                                                                                                                                                                                                                                                                                                                               |                               |                                                                                              |
| Registrar of births and deaths in every district to give notice according to form in schedule, of requirement of vaccination, and on failure of parent or guardian to comply or neglecting on eighth day after vaccination to take child for inspection. The father or mother or person having the care, nurture or custody of child, so offending.                                                                                                                                                                              | 26 & 27 Vic. c. 52, s. 8.     | Penalty not exceeding 10s., in default &c., imprisonment not exceeding 14 days. 1 J.         |
| Registrar failing to register successful vaccination, or registering vaccination of any child not successfully vaccinated, or certified so to him. Fee for successful vaccination 1s. Fee to Registrar (when he is not the operator) 3d. Form of notices and certificates are given in schedule to Act.                                                                                                                                                                                                                          | s. 10.                        | Penalty not exceeding 20s., in default, &c., imprisonment not exceeding 1 month. 1 J.        |
| <b>VAGRANCY:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                               |                                                                                              |
| Every person wandering abroad and begging, or placing himself in any public place, street, highway, court, or passage, to beg or gather alms, or causing or procuring, or encouraging any child or children so to do; and every person who, having been resident in any union in Ireland shall go from such union to some other union, or from one electoral or relief district to another electoral or relief district in Ireland, for the purpose of obtaining relief in such last-mentioned union or district; on conviction— | 10 & 11 Vic. c. 84, s. 3.     | Shall, if the Justice think fit, be committed for any time not exceeding 1 month, H. L. 1 J. |
| Cases of vagrancy may be tried out of Petty Sessions, and Justice shall enter same in the Order Book, or send certificate of the fact to the clerk.*                                                                                                                                                                                                                                                                                                                                                                             | 14 & 15 Vic. c. 93, ss. 8.22. | —                                                                                            |

\* The Vagrancy Act, 6 Anne, c. 11, and the 7 sec. of 50 Geo. iii., c. 102, respecting "suspected persons," repealed by 28 Vic., c. 83.

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Statute.                      | Extent of Jurisdiction.                                                                                                                                                                                                                                    |
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| <b>VEGETABLE PRODUCTIONS:</b><br>See "Larceny," and Malicious Injuries," as the case may be.                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                               |                                                                                                                                                                                                                                                            |
| <b>VOLUNTEERS:</b><br>See "Militia;" "Navy;" "Naval Coast Volunteers."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                               |                                                                                                                                                                                                                                                            |
| <b>WAGES (<i>Servants, Workmen, &amp;c.</i>):</b><br>Justices in Petty Sessions are empowered to hear and determine any disputes concerning any sums which shall be due for wages by any master to his apprentice, or by any employer to any artificer, labourer, servant, or other person employed by him, for day's work, task, job, or contract, hire of horses, carts, &c., (not being for the carriage of passengers), and to schoolmaster for tuition, where the demand does not exceed £10.* (See section <i>infra</i> ).<br>See "Master and Servant." | 14 & 15 Vic.<br>c. 92, s. 16. | Justices to make such order as they shall see fit for payment of such sums as shall appear to be justly due, and may award a further sum as compensation (not exceeding 40s.) for loss of time, &c., in recovering wages; recoverable by distress.<br>1 J. |

\* 14 & 15 Vic., c. 92, s. 16—*Wages*.—"It shall be lawful for the Justice to hear and determine any disputes concerning any sums which shall be due for wages by any master to his apprentice, or by any employer to any artificer, labourer, servant, or other person employed by him to do any species of work or labour whatsoever (whether he shall find materials for the performance of the same or not, and whether such wages shall be due in respect to any day's work or to any labour done or performed by task job, or contract); or which shall be due by any person for the hire of any horse, ass, mule, bullock, or other animal for draught, or of any cart, dray, car, plough, harrow, or vehicle drawn by any such animal, for the purpose of any labouring work (and not being for the carriage of any passenger or passengers), and whether such hire shall be by the day or by contract or otherwise; or which shall be due to any schoolmaster or teaches for the teaching of any child in any school or other place, and whether the engagement shall be for payment by the day or for any other period, or in any other manner (provided that the amount of the demand for such wages, hire, or tuition, in any of such cases, whether originally greater or not, shall not exceed £10): and to make such order as they shall see fit for payment of such sums as shall appear to be justly due to the complainant by his master or employer, or in case of any sum claimed for the teaching of any child, by the parent or other person who shall have engaged the complainant to teach such child."

*Where Employers are absent*.—"In every case where any such master or employer shall intrust his business to the management and superintendence of any steward, agent, bailiff, foreman, or manager, it shall be lawful for the Justices to summon such steward, &c., to appear at Petty Sessions, and to hear and determine the matter of the complaint in such and the like manner as complaints of the like nature against any master or employer, and to make an order for the payment by such steward, agent,

| Offence, or cause of Complaint.                                                               | Statute.                           | Extent of Jurisdiction.                                                                                                                                                             |
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| <b>WALL :</b><br>Maliciously throwing down, breaking, &c., any wall, stile, or gate.          | 24 & 25 Vic. c. 97, s. 25.         | Shall forfeit over and above the injury done a sum not exceeding £5; in default, &c., imprisonment not exceeding 2 months. 1 J.                                                     |
| Second or subsequent offence, . . .                                                           | „                                  | Imprisonment with H. L. not exceeding 12 months. 1 J.                                                                                                                               |
| <b>WASHERWOMEN :</b><br>Pawning clothes without owner's consent.<br>(Under Pawnbrokers' Act.) | 26 Geo. iii. c. 43, s. 8. (Irish). | Forfeiture 20s.; in default, &c., imprisonment 14 days. 1 J. If paid, to be applied in making satisfaction to the aggrieved, and in costs of prosecution, residue applied as fines. |
| <b>WASTE :</b><br>See "Landlord and Tenant."                                                  |                                    |                                                                                                                                                                                     |

&c. In case of refusal or non-payment, it shall be lawful to issue warrant to levy same by distress and sale of the goods of such master or employer."

*Limitation.*—"Complaint shall be made within one year from the termination of the term or period in respect of which it shall be payable."—14 & 15 Vic., c. 93, s. 10.

*Who are Servants, &c., within the Section.*—The word servant, in the phraseology of lawyers, has a very extended meaning; it, in strictness, includes every person who is engaged for a consideration to perform a service for another, it matters not how honourable or exalted the office may be, oftentimes it includes gratuitous and friendly services. This definition cannot apply to the terms used in the section. The words, "or other person," where they so occur, are generally taken to mean "other *such* person" or persons of the class already named. Accountants, &c., at yearly salaries; theatrical performers, &c.; governesses, and others who in common speaking are not so classified, do not appear to come within the section giving Magistrates the power in cases of wages or the subsequent part of the section giving them power to punish for not observing the contract; so that the decisions on the many nice questions between master and servant, which are important for the purposes of reference in the Superior or County Courts, may tend to embarrass rather than assist by being set out here.

*Finding Materials.*—Where the workman supplies the materials for the "contract" work, as a mason providing the materials for a building, or a tailor the cloth, he cannot recover the amount before the Justices as "wages;" but where the materials are of trifling value and merely ancillary to the labour, such as a tailor providing thread, the Magistrates may make the order.

*"Passenger Cars."*—In certain towns, where special Acts are in force, there is a power to make a summary order for the fares of hackney cars and cabs. This power is given in the Police Clauses Act, 10 & 11 Vic., c. 89.



| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                              | Statute.                     | Extent of Jurisdiction.                                                                                          |
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| <b>WEIGHTS AND MEASURES,*</b>                                                                                                                                                                                                                                                                                                                                                                                                                | 5 & 6 Wm. iv.<br>c. 63.      | —                                                                                                                |
| Amended by, . . . . .                                                                                                                                                                                                                                                                                                                                                                                                                        | 23 & 24 Vic.<br>c. 119.      | —                                                                                                                |
| Further amended by . . . . .                                                                                                                                                                                                                                                                                                                                                                                                                 | 25 & 26 Vic.<br>c. 76.       | —                                                                                                                |
| <i>Sales by Measures.</i> —Selling by any other than the imperial measure, or some multiple or aliquot part (not to prevent sales in certain vessels where such do not represent any amount of imperial measure, or of any fixed, local, or customary measure heretofore in use).                                                                                                                                                            | 5 & 6 W. iv.<br>c. 63, s. 6. | Penalty not exceeding 40s.; in default, &c., imprisonment not exceeding 2 months.<br>Mayor or 2 J.               |
| Sales by the heaped measure null and void; and every person selling by the heaped measure (except articles which, from their nature and quality, cannot be sold by weight, and which may be sold by the bushel, or the one-half, one-fourth, or one eighth part thereof, filled to level of the brim).                                                                                                                                       | ss. 7 & 8.                   | Penalty not exceeding 40s.; in default, &c., imprisonment not exceeding 2 months.<br>Mayor or 2 J.               |
| <i>Coals.</i> —Selling coals, slack, culm, or cannel by measure and not by weight.                                                                                                                                                                                                                                                                                                                                                           | s. 9.                        | Penalty for each sale not exceeding 40s.; in default, &c., imprisonment not exceeding 2 months.<br>Mayor or 2 J. |
| <i>Using unjust Weights in Shops, &amp;c.</i> —Power to Justice, and Inspectors duly authorized, to enter shops, stores, &c., within his jurisdiction, wherein goods are exposed for sale, and inspect and compare weights and measures; and if, upon examination, same appear to be light or unjust, same shall be liable to be seized and forfeited, and the person in whose possession same shall be found shall be liable on conviction— | s. 28.                       | Penalty not exceeding £5; in default, &c., imprisonment not exceeding 2 months.<br>Mayor or 2 J.                 |

\* *Weights*—5 & 6 Wm. iv., sec. 10,—Articles sold by weight shall be sold by avoirdupois weight, except gold, silver, platina, diamonds, or other precious stones which may be sold by Troy weight, and drugs which, when sold by retail, may be sold by apothecaries' weight.

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                     | Statute.                    | Extent of Jurisdiction.                                                                                                                                     |
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| <b>WEIGHTS AND MEASURES—con.</b><br>Inspector stamping without verifying by comparison with copy of imperial standard; breach of duty, or misconduct in execution of his office.                                                                                                                                                                                    | 5 & 6 W. iv. c. 63, s. 29.  | Like.                                                                                                                                                       |
| Forging or counterfeiting stamps, &c., procuring or causing, &c., or knowingly acting or assisting—                                                                                                                                                                                                                                                                 | s. 30.                      | Penalty not exceeding £50, nor less than £10; in default, &c., imprisonment not exceeding 2 months.<br>Mayor or 2 J.                                        |
| Knowingly selling weight or measure with counterfeited stamp thereon—                                                                                                                                                                                                                                                                                               | "                           | Penalty not exceeding £10, nor less than 40s.; in default, &c., imprisonment not exceeding 2 months.<br>Mayor or 2 J.                                       |
| <i>Using unjust Weights, &amp;c., in open Places.</i> —Power to Inspectors to inspect beams, scales, weights, and measures, &c., in possession of persons selling in streets or open places; and if found light, or unjust, or contrary to 5 or 6 Wm. iv., or if fraud be committed in the using, the person using or having same in possession shall be liable to— | 23 & 24 Vic. c. 119, s. 16. | Weights to be forfeited. Penalty not exceeding £5; in default, &c., imprisonment not exceeding 2 months, and the scales, weights, &c. to be forfeited. 1 J. |
| Power to seize light or unjust weights or measures, and, upon conviction, same to be forfeited and destroyed.                                                                                                                                                                                                                                                       | s. 17.                      | —                                                                                                                                                           |
| Any person who shall stamp any weight or measure with the county or borough stamp, without comparing and adjusting same, or using the sub-standard weights and measures for any purpose other than is authorized by 5 & 6 Wm. iv., c. 63, or this Act.                                                                                                              | s. 18.                      | Penalty not exceeding £5; in default, &c., imprisonment not exceeding 1 month. 1 J.                                                                         |

Where a conviction takes place under the Weights and Measures Acts, the Justices have not a discretionary power to forfeit or not the weights, &c.—“The Law Adviser is of opinion that the weights are forfeited by the conviction” 22188—3 December, 1864.—

The forfeiture of weights, &c., is referred to in more sections than one, and in some instances in words that may certainly lead the Justice to believe he had a discretionary power. The only hardship seems to be in cases where the weights have been duly adjusted and *stamped*, and in ordinary use become a trifle light by the time the Inspector next comes round. But on the other hand there must be a *conviction* for being light, before they become forfeited.

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Statute.                                                                                                                                                | Extent of Jurisdiction.                                                                                                                                                                                                                                        |
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| <p><b>WEIGHTS AND MEASURES—con.</b><br/>           Wilfully or knowingly making or selling, or causing to be made or sold, unjust beam, scale, or balance, or light or unjust weight or measure—<br/>           Inspectors authorized to stamp measures, although partly made of glass.<br/>           Provisions of 5 &amp; 6 Wm., c. 63 (save such as are hereby expressly, or by necessary implication repealed), incorporated with this Act.<br/> <i>Repeals</i> section 18 of the Summary Jurisdiction (Ireland) Act, 1851, and so much of 5 &amp; 6 Wm. iv., c. 63, as requires Grand Juries to appoint Inspectors.<br/>           Weights and Measures (Ireland) Amendment Act.<br/>           (Repeals sections 4, 5, 6, 7, 9, 11, 12, 13, 14, of 23 and 24 Vic., c. 119).<br/>           Certain head and other constables to be appointed <i>ex officio</i> inspectors of Weights and Measures.<br/>           Inspector-General to cause notice of appointment to be given to Clerk of Petty Sessions, who shall make known same to Justices.<br/>           Inspector-General to appoint one officer, in each county or borough to have custody of imperial standards, who shall also stamp sub-standards.<br/>           Grand Jury and Town Council to provide one set of copies of imperial standards for each county or borough, and also as many sub-standards as may be necessary.<br/> <i>Unjust Weights in Shops, &amp;c.—Ex officio</i> Inspectors of Weights and Measures may, at all reasonable times, enter any shop, store, warehouse, yard, or place within his jurisdiction, where goods shall be purchased, or exposed, or kept for sale, and inspect, &amp;c.; and if weights or measures, scales, &amp;c., be found light, or unjust, or contrary to</p> | <p>5 &amp; 6 W. iv. c. 63, s. 19.<br/><br/>s. 20.<br/><br/><br/>25 &amp; 26 Vic. c. 76.<br/><br/>s. 5.<br/><br/>s. 6.<br/><br/>s. 7.<br/><br/>s. 8.</p> | <p>Penalty not exceeding £10; in default, &amp;c., imprisonment not exceeding 3 months. 1 J.<br/><br/>—<br/><br/>—<br/><br/>—<br/><br/>—<br/><br/>—<br/><br/>Penalty not exceeding £5; in default, &amp;c., imprisonment not exceeding 2 months.*<br/>1 J.</p> |

\* All penalties under this Act are recoverable as directed by Petty Sessions (Ireland) Act, 1851, and any Act amending same. In *Dublin* metropolis, as directed by the local or special Acts.

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Statute.                                                         | Extent of Jurisdiction.                                                                                                                                                                                                                                                                                                                                                          |
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| <p><b>WEIGHTS AND MEASURES—con.</b> provisions of 5 &amp; 6 Wm. iv., or this Act; or if any fraud be wilfully committed in the using, the same shall be liable to be seized and forfeited, and the persons using or having same in possession shall be liable to—</p> <p>Judge of Assize to order copies of standards, &amp;c., in counties in Ireland when it has not been done by Grand Juries; and the Treasurer shall, within three calendar months after receiving order, execute same; on failing to do so—</p> <p>Chairman of Quarter Sessions to order copies of standard weights and measures in boroughs within the county, in case it has not been done by Town Council.</p> <p><i>Mode of Weighing; Deductions prohibited.</i>—Every article sold by weight shall, if weighed, be weighed in full net standing beam: such to be the true weight. No deduction for tret or beamage, or on any other account, or under any other name (except the weight of any sack, cask, or covering in which the article may be), shall be claimed or made by purchaser on any pretext whatsoever; for doing so—</p> | <p>25 &amp; 26 Vic. c. 76, s. 9.</p> <p>s. 10.</p> <p>s. 13.</p> | <p>Penalty £20; distress, &amp;c.; recoverable as in Petty Sessions Act.<br/>1 J.</p> <p>Town Clerk or other officer who shall not within three months, execute such order, shall be liable to penalty not exceeding £20, recoverable as in Petty Sessions Act.<br/>1 J.</p> <p>Penalty not exceeding £5; in default, &amp;c., imprisonment not exceeding 2 months.<br/>1 J.</p> |

**"PART II.—Denominations of Weight and Mode of Weighing.**

"And whereas it is expedient to abolish all local and customary denominations of weight, and to prohibit improper deductions in weighing, and otherwise to regulate the mode of weighing articles sold: Be it therefore enacted as follows:

"11. The provisions of this part of this Act shall extend and apply throughout Ireland to all contracts, bargains, sales, and dealings, save as hereinafter excepted.

"12. Every contract, bargain, sale, or dealing—

For any quantity of corn, grain, pulses, potatoes, hay, straw, flax, roots, carcasses of beef or mutton, butter, wool, or dead pigs, sold, delivered, or agreed for;

Or for any quantity of any other commodity sold, delivered, or agreed for by weight (not being a commodity which may by law be sold by troy weight or by apothecaries weight),

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                         | Statute.                      | Extent of Jurisdiction.                                                              |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|--------------------------------------------------------------------------------------|
| <b>WEIGHTS AND MEASURES—con.<sup>d</sup></b><br><i>Prevention of Frauds—Brands, Tickets, &amp;c.</i> —With intent to defraud, counterfeiting, or procuring to be counterfeited, brand or stamp used by authority of owner or lessee of market or fair to denote weight, measure, or quality, or of any cask, firkin, or other vessel, &c., in which such article is sold, or the impression of any such brand or stamp. | 25 & 26 Vic.<br>c. 76, s. 14. | Penalty not exceeding £5; in default, &c., imprisonment not exceeding 2 months. 1 J. |
| Or, with like intent, procuring to be used any such counterfeit brand, stamp, or impression.                                                                                                                                                                                                                                                                                                                            | "                             | Like.                                                                                |
| Or, with like intent, alter an impression of any such genuine brand or stamp.                                                                                                                                                                                                                                                                                                                                           | "                             | Like.                                                                                |
| Or, with like intent, having in his possession any thing having thereon an impression of any such counterfeit brand or stamp, or a fraudulently altered impression of any such genuine brand or stamp.                                                                                                                                                                                                                  | "                             | Like.                                                                                |

shall be made or had by one of the following denominations of imperial standard weight; namely,

- The ounce avoirdupois;
- The pound avoirdupois of sixteen ounces;
- The stone of fourteen pounds;
- The quarter hundred of twenty-eight pounds;
- The half hundred of fifty-six pounds;
- The hundredweight of one hundred and twelve pounds;
- Or the ton of twenty hundredweight,

and not by any local or customary denomination of weight whatsoever, otherwise such contract, bargain, sale, or dealing shall be void: Provided always, that nothing in the present section shall be deemed to prevent the use, in any contract, bargain, sale, or dealing, of the denomination of the quarter, half, or other aliquot part of the ounce, pound or other denomination aforesaid, or shall be deemed to extend to any contract, bargain, sale, or dealing relating to standing or growing crops.

"13. Every article sold by weight shall, if weighed, be weighed in full net standing beam; and for the purposes of every contract, bargain, sale, or dealing, the weight so ascertained shall be deemed the true weight of the article, and no deduction or allowance for tret or beamage, or on any other account, or under any other name whatsoever, the weight of any sack, bag, cask, firkin, or other covering in which such article may be, alone excepted, shall be claimed or made by any purchaser on any pretext whatever, under a penalty of not exceeding five pounds."

Contracts may be made in terms of the Metric System, and Decimal Sub-divisions of legal Weights and Measures, whether Metric or otherwise, may now be used in contracts or dealings, 27 & 28 Vic., c. 117, Act gives Schedule of Metric Measures, &c.

| Offence, or cause of Complaint.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Statute.                                                                      | Extent of Jurisdiction.                                                                                                                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>WEIGHTS AND MEASURES—con.</b><br/>           Or, with like intent, transferring genuine branded or stamped cask, firkin &amp;c., to any article other than that for which same was impressed, or in any manner altering the <i>bondfide</i> application of such brand or stamp.</p> <p>Or knowingly weigh, or cause to be weighed, contrary to provisions of this Act, or assisting or conniving at any fraud respecting weighing or weight or measure of any article, as in Part II. of this Act is mentioned.</p> <p>Or, with intent to defraud, alter any ticket specifying the weight of any such article.</p> <p>Or, with intent to defraud, make or use, or be privy to the making or using of any such ticket, falsely stating the weight of any such article, or of any covering, cart, or load.</p> <p>Or shall dispose of, sell, or cause to be sold, any weight or measure having a false or counterfeit stamp, or a stamp purporting to resemble a genuine stamp.</p> | <p>25 &amp; 26 Vic.<br/>c. 76, s. 14.</p> <p>"</p> <p>"</p> <p>"</p> <p>"</p> | <p>Penalty not exceeding £5; in default, &amp;c., imprisonment not exceeding 2 months. 1 J.</p> <p>Like.</p> <p>Like.</p> <p>Like.</p> <p>Like.</p> |
| <p><i>Butter—Frauds in Packing</i>—Any person who shall wilfully pack up, or mix, or cause, &amp;c. with or in any butter contained in any firkin or cask, any salt, pickle, or other substance, with intent to increase the weight, and shall bring or send same so packed, &amp;c., to market for sale.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <p>s. 15.</p>                                                                 | <p>Penalty not exceeding 40s., or to be imprisoned for any period not exceeding 1 month.<br/>1 J.</p>                                               |
| <p><i>Fleeces.</i>—Winding, or causing to be wound in any fleece, any wool not being sufficiently rived or washed; or winding, or causing to be wound within any fleeces, any deceitful locks, cots, skin, or lamb's wool, or any substance, matter, or thing, whereby the fleece may be rendered more weighty, to the deceit and loss of the buyer.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <p>s. 16.</p>                                                                 | <p>Penalty 2s. for every fleece so fraudulently made up; in default, &amp;c., imprisonment by Petty Sessions Scale.<br/>1 J.</p>                    |
| <p>Penalties recoverable under Petty Sessions (Ireland) Act, 1851. In <i>Dublin</i>, under special Acts.</p> <p>Penalties under Parts II. &amp; III., to be sued for within three months after commission of offence.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p>s. 18</p>                                                                  | <p>—</p>                                                                                                                                            |

| Offence, or cause of Complaint.                                                                                                          | Statute.                      | Extent of Jurisdiction.                                                                                                                                                   |
|------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>WEIGHTS AND MEASURES—con.</b><br>Nothing to prevent persons being indicted for any indictable offence, in lieu of summary punishment. | 25 & 26 Vic.<br>c. 76, s. 19. | —                                                                                                                                                                         |
| <b>WHEAT:</b><br>See "Adulteration."<br>"Frauds in Provisions."                                                                          |                               |                                                                                                                                                                           |
| <b>WIFE DESERTION:</b><br>See "Poor Law," and "Married Women."                                                                           |                               |                                                                                                                                                                           |
| <b>WHIPPING (of Juvenile Offenders):</b>                                                                                                 | 25 Vic. c. 18,<br>s. 1.       | Justice when sentencing, to name the number of strokes, not exceeding 12 with a birch rod, if offender does not exceed 14.                                                |
| <b>WILFUL INJURIES TO PROPERTY:</b><br><br>See "Malicious Injuries."                                                                     |                               |                                                                                                                                                                           |
| <b>WINNOWER CORN ON ROAD-SIDE:</b>                                                                                                       | 14 & 15 Vic.<br>c. 92, s. 10. | Penalty not exceeding 10s.; in default, &c., imprisonment not exceeding 14 days. 1 J.                                                                                     |
| <b>WITNESS:</b><br>Refusing to be sworn, or to answer when sworn, or to produce documents required by summons (without just excuse)—     | 14 & 15 Vic.<br>c. 93, s. 18. | May be committed from time to time until he comply, not exceeding 8 clear days at a time; and (in cases of summary jurisdiction) not exceeding 1 month in the whole. 1 J. |
| May be ordered expenses in civil cases not exceeding 2s. 6d.                                                                             | "                             | —                                                                                                                                                                         |
| May be ordered expenses in cases of larceny tried under Criminal Justice Act, 18 & 19 Vic., c. 126.                                      |                               |                                                                                                                                                                           |
| <b>WOOD:</b><br>See "Larceny," and "Malicious Injuries."                                                                                 |                               |                                                                                                                                                                           |

| Offence, or cause of Complaint.                                                                                                                                                                                                                                    | Statute.                                                          | Extent of Jurisdiction.                                                                           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|
| <b>WORKMAN :</b><br>Artificer, workman, journeyman, apprentice, servant, or other person, unlawfully disposing of or retaining possession (without consent of employer) of any goods, work, or materials, &c., committed to his care (the value not exceeding £5). | 25 & 26 Vic. c. 50, s. 7.                                         | Compensation, and also a fine not exceeding 40s., or to be imprisoned not exceeding 1 month. I J. |
| <b>WILFULLY SPOILING GOODS OR WORK :</b><br>See "Malicious Injuries."<br>See also "Master and Servant," and "Combination."                                                                                                                                         |                                                                   |                                                                                                   |
| <b>WRECK AND SALVAGE :</b><br>See Merchant Shipping Acts for investigations to be held before Justices.                                                                                                                                                            | 17 & 18 Vic. c. 104, ss. 433, &c.; and 25 & 26 Vic. c. 63, s. 49. | See title "Merchant Shipping Act."                                                                |
| Having shipwrecked goods in possession.<br>See "Larceny."                                                                                                                                                                                                          | 24 & 25 Vic. c. 96, s. 65.                                        |                                                                                                   |



# INDICTABLE OFFENCES.

## INTRODUCTORY REMARKS.

THE ministerial duty of the Magistrate in dealing with indictable crimes and offences is defined and unmistakable. He is, first, to be satisfied on a most important point (and to this end it is conceived the following Index may prove useful), that the offence or cause of complaint brought under his notice is one of which he can take cognizance, and in respect to which he is called upon to put the Criminal Law in motion. Then, if it is intended that a warrant shall issue to apprehend the accused, an information on oath and in writing is requisite; or, if he shall think that the ends of justice will be thereby sufficiently answered, it shall be lawful for him, instead of a warrant, to issue a summons in the first instance; but a summons having been served, will not, if he think fit, prevent his issuing a warrant either before or after the day stated in the summons for appearance (14 & 15 Vic., c. 93, s. 11). It must always be borne in mind that, for the warrant, an information on oath and in writing, setting forth the offence, is indispensable; for the summons, the complaint may be made either on or without oath, and either in writing or not, according as the Justice shall see fit (sec. 10).

The accused being present, the witnesses shall be sworn, their evidence taken down, and the case proceeded with in the consecutive order printed out in the statute.—14 & 15 Vic., c. 93, s. 14.\*

The evidence being concluded, if the Justice shall be of opinion that it is not sufficient to put the accused on his trial, he shall order his discharge; but if he be of opinion that such evidence is sufficient to put him on his trial, or if such evidence "raises a strong or probable presumption of guilt," then he shall commit him for trial or admit him to bail (sec. 15). For the offences which are bailable as of right, those in the discretion of the Justice, and those bailable only by order of the Lord Lieutenant, or Chief Secretary, or Queen's Bench—see sec. 16. These last are cases of treason and treasonable felonies.

It will be seen that the duty of the Magistrate between the Crown and the prisoner is to act according to the best of his judgment and opinion on the evidence before him. It is not the case, as is sometimes asserted, that he ought not to put the accused on his trial unless upon evidence sufficiently clear for a petty jury to convict;—he ought to send it forward for inquiry, if, "in his opinion, the evidence

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\* This Act is given in the *Appendix*.

For the taking of "dying declarations," which need not be taken in presence of the accused, see the following Index.

raises a strong or probable presumption of guilt." It is equally erroneous to assert that, no matter how infamous the witnesses or improbable the case may be, the Justice has no discretion, and should form no opinion, but is bound to send it forward for trial. If such were the fact, one cannot easily imagine to what purpose an inquiry by a magistrate becomes necessary. Upon this subject JUSTICE BAYLY says:—"I differ from those authorities which say that the Magistrate has no discretion, and that he is not to judge of the probability of the case, and of the credit of the witnesses who are brought before him, to sustain a charge of felony; I think the Magistrate has a right to exercise his own discretion in such cases, and that he is bound to do it; and he ought not, as it seems to me, to commit the party unless he thinks there is a *prima facie* case made out by witnesses whom he may think entitled to a reasonable degree of credit." The Magistrate ought, therefore, to act on the clear conviction of his own understanding.

H. H.

\*.\* The Index contains the crimes and offences given in the late Criminal Law Consolidation Acts, those created by other unrepealed statutes, and the offences punishable at Common Law. It was considered that such a summary would be useful. Although the *extent of punishment* in these cases forms no part of the duty of a Justice in Petty Sessions, it is added for the sake of uniformity.

# INDEX

TO

## CRIMES AND OFFENCES TRIABLE BY INDICTMENT,

UNDER STATUTE AT COMMON LAW.

| Offence.                                                                                                                                                                                                                                                                                                                                                                                                                        | Statute.                                          | Punishment,                                                                                                                         |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|
| Abandoning or exposing any child under the age of two years, whereby life may be endangered, &c.                                                                                                                                                                                                                                                                                                                                | 24 & 25 Vic. c. 100, s. 27. (27 & 28 Vic. c. 47.) | Misdemeanor; penal servitude, 5 years; or imprisonment not exceeding 2 years, with or without H. L.                                 |
| Abduction of a woman against her will, with intent to marry or carnally know her, or to cause her to be married or carnally known, she having any interest, present or future, &c., in real or personal estate; fraudulently alluring, taking away or detaining such woman being under 21 out of possession, or against the will of her parents or guardian, with intent to marry or carnally know her, or cause her to be, &c. | 24 & 25 Vic. c. 100, s. 53. (27 & 28 Vic. c. 47.) | Felony; penal servitude not exceeding 14 years, nor less than 5 years; or imprisonment not exceeding 2 years, with or without H. L. |
| <i>Forcible Abduction</i> of any woman with intent to marry her or cause her to be married, &c.                                                                                                                                                                                                                                                                                                                                 | s. 54.                                            | Like.                                                                                                                               |
| Taking any girl under sixteen years of age out of possession, or against will of parents or guardian.                                                                                                                                                                                                                                                                                                                           | s. 55.                                            | Misdemeanor; imprisonment not exceeding 2 years, with or without H. L.                                                              |
| <b>Abettors in Larceny—</b><br>Punishable as principals in summary convictions.                                                                                                                                                                                                                                                                                                                                                 | s. 99.                                            | See also Summary Jurisdiction Index.                                                                                                |
| Like in malicious injuries, . . . .                                                                                                                                                                                                                                                                                                                                                                                             | 24 & 25 Vic. s. 97, s. 63.                        | —                                                                                                                                   |
| In misdemeanors, . . . . .                                                                                                                                                                                                                                                                                                                                                                                                      | 24 & 25 Vic. c. 94, s. 8.                         | —                                                                                                                                   |

| Offence.                                                                                                        | Statute.                                          | Punishment.                                                                                                                                         |
|-----------------------------------------------------------------------------------------------------------------|---------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Abortion—</b><br>Administering drugs, or using instruments to procure it.                                    | 24 & 25 Vic. c. 100, s. 58. (27 & 28 Vic. c. 47.) | Felony; penal servitude for life, or not less than 5 years; or imprisonment not exceeding 2 years, with or without H. L., and solitary confinement. |
| Supplying or procuring drugs for the purpose.                                                                   | 24 & 25 Vic. c. 100, s. 59. (27 & 28 Vic. c. 47.) | Misdemeanor; penal servitude, 5 years; or imprisonment not exceeding 2 years, with or without H. L.                                                 |
| <b>Accessories—</b><br><i>Before the fact</i> , may be tried and punished as principals.                        | 24 & 25 Vic. c. 94, s. 1.                         | —                                                                                                                                                   |
| They may be indicted as such, or as for a substantive felony.                                                   | s. 2.                                             | —                                                                                                                                                   |
| Accessories <i>after the fact</i> may be indicted as such, or as for a substantive felony.                      | s. 3.                                             | —                                                                                                                                                   |
| Punishment of accessories after the fact                                                                        | s. 4.                                             | —                                                                                                                                                   |
| <i>Accessories generally.</i> —Prosecution of accessories after principal has been convicted, but not attained. | s. 5.                                             | —                                                                                                                                                   |
| Several accessories may be included in the same indictment.                                                     | s. 6.                                             | —                                                                                                                                                   |
| Trial of accessories, . . . .                                                                                   | s. 7.                                             | —                                                                                                                                                   |
| See also in Offences relating to Coin, Forgery, Larceny, Malicious Injuries, Offences, against the Person.      |                                                   |                                                                                                                                                     |
| <b>Accomplice.*</b>                                                                                             |                                                   |                                                                                                                                                     |

\* *Accomplice* in a felony although it be intended to call him as a witness ought not to be discharged or admitted to bail, it is the duty of the Magistrate to commit him. If on no other evidence, his own will warrant this course. The accomplice is usually committed to a place of confinement separate from the other prisoners, and it is provided by the Prison Act, 7 Geo. iv., c. 74, s. 6, that places of confinement shall be set apart for witnesses intended to be examined on behalf of the Crown. The corroboration of an accomplice should be in a part of his testimony affecting the prisoner. The untrue denial by a prisoner of his acquaintance with an approver, will be allowed to go to the jury as evidence to corroborate approver. *R. v. Farrelly* and others. Trim Lent Assizes, 1832.

| Offence.                                                                                                                                                                                                                                                                                       | Statute.                                                                                                                                                                          | Punishment.                                                                                                                                                                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Accusing—</b><br>Knowingly sending, or causing to be received, letter threatening to accuse of crime, with intent to extort.                                                                                                                                                                | 24 & 25 Vic. c. 96, s. 46. (27 & 28 Vic. c. 47.)                                                                                                                                  | Felony; penal servitude for life, or not less than 5 years; or imprisonment not exceeding 2 years, with or without H.L., and solitary confinement; and male under 16 may be whipped. |
| Accusing or threatening to accuse of crime, with intent to extort.                                                                                                                                                                                                                             | s. 47.                                                                                                                                                                            | Like.                                                                                                                                                                                |
| <b>Admiralty—</b><br>Offences within the jurisdiction of, <i>against the person</i> , how triable.<br>Under the Larceny Act, . . . .<br>Under the Malicious Injuries Act, . . . .<br>In forgeries, . . . . .<br>Offences as to the coin, . . . . .<br>As to accessories to any felony, . . . . | 24 & 25 Vic. c. 100, s. 68.<br>24 & 25 Vic. c. 96, s. 115.<br>24 & 25 Vic. c. 97, s. 72.<br>24 & 25 Vic. c. 98, s. 50.<br>24 & 25 Vic. c. 99, s. 86.<br>24 & 25 Vic. c. 94, s. 9. | —<br>—<br>—<br>—<br>—<br>—                                                                                                                                                           |
| <b>Affray—</b><br>Two or more persons fighting in a public place, to the terror of the people.<br>See "Fighting." Summary Index.                                                                                                                                                               | Common Law                                                                                                                                                                        | Misdemeanor, punishable by fine or imprisonment, or both.                                                                                                                            |
| <b>Aggravated Assault</b> upon women or boys.                                                                                                                                                                                                                                                  | 24 & 25 Vic. c. 100, s. 43.                                                                                                                                                       | See title, "Assault," in Summary Jurisdiction Index.                                                                                                                                 |
| <b>Agricultural Machines—</b><br>Destroying or damaging—see "Malicious Injuries."                                                                                                                                                                                                              |                                                                                                                                                                                   |                                                                                                                                                                                      |
| <b>Aiding—</b><br>See "Abettors."                                                                                                                                                                                                                                                              |                                                                                                                                                                                   |                                                                                                                                                                                      |
| <b>Allegiance—</b><br>Malicious endeavouring to seduce soldiers or seamen from their allegiance.                                                                                                                                                                                               | 57 Geo. iii. c. 7.<br>87 Geo. iii. c. 40, s. 1.                                                                                                                                   | Felony; and see also Summary Index; titles, "Mutiny," "Navy," and "Militia."                                                                                                         |

| Offence.                                                                                                                                                                                              | Statute.                                                   | Punishment.                                                                                                                                        |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Animals—</b><br>Stealing—see "Larceny."                                                                                                                                                            | —                                                          | And see also the Summary Index; title, "Larceny."                                                                                                  |
| <b>Apprehension</b>                                                                                                                                                                                   |                                                            |                                                                                                                                                    |
| Of offenders against Larceny Act, .                                                                                                                                                                   | 24 & 25 Vic.<br>c. 96, s. 103.                             | —                                                                                                                                                  |
| Of offenders against the Malicious Injuries Act.                                                                                                                                                      | 24 & 25 Vic.<br>c. 97, ss. 57, 61.                         | —                                                                                                                                                  |
| For assaults and offences against the person.                                                                                                                                                         | 24 & 25 Vic.<br>c. 100, s. 66.                             | —                                                                                                                                                  |
| For offences relating to the coin, .                                                                                                                                                                  | 24 & 25 Vic.<br>c. 99, s. 31.                              | —                                                                                                                                                  |
| Wounding, shooting, or attempting to shoot, with intent to prevent lawful apprehension of any person.                                                                                                 | 24 & 25 Vic.<br>c. 100, s. 18.<br>(27 & 28 Vic.<br>c. 47.) | Felony; penal servitude for life, or not less than 5 years; or imprisonment not exceeding 2 years, with or without H.L., and solitary confinement. |
| Of persons loitering at night, and suspected of felony.                                                                                                                                               | 24 & 25 Vic.<br>c. 96, s. 104.                             | —                                                                                                                                                  |
| <b>Apprentices—</b>                                                                                                                                                                                   |                                                            |                                                                                                                                                    |
| Persons liable, wilfully refusing or neglecting to provide them with proper food, clothing, lodging, or maliciously doing them bodily harm.                                                           | 24 & 25 Vic.<br>c. 100, s. 26.<br>(27 & 28 Vic.<br>c. 47.) | Misdemeanor; penal servitude, 5 years; or imprisonment not exceeding 2 years, with or without H.L.                                                 |
| See also "Summary Index."                                                                                                                                                                             |                                                            |                                                                                                                                                    |
| <b>Approver—</b>                                                                                                                                                                                      |                                                            |                                                                                                                                                    |
| See "Accomplice."                                                                                                                                                                                     |                                                            |                                                                                                                                                    |
| <b>Arms—</b>                                                                                                                                                                                          |                                                            |                                                                                                                                                    |
| Being armed with intent to break and enter a house, &c., at night; or, without lawful excuse, found by night, having in possession any implement of house-breaking, face blackened, or disguised, &c. | 24 & 25 Vic.<br>c. 96, s. 58.<br>(27 & 28 Vic.<br>c. 47.)  | Penal servitude, 5 years; or imprisonment not exceeding 2 years, with or without H.L.                                                              |
| What shall be deemed to be loaded arms, within meaning of Act of 24 & 25 Vic., c. 100, s. 19.                                                                                                         |                                                            |                                                                                                                                                    |
| <i>Drilling</i> —Attending meeting to train or drill others to use of arms, or the practice of military exercise, &c., &c.                                                                            | 60 Geo. iii.<br>and<br>1 Geo. iv. c. 1.                    | Misdemeanor; penal servitude not exceeding 7 years, or imprisonment not exceeding 2 years.                                                         |

| Offence.                                                                                                                                                                                                                  | Statute.                                | Punishment.                                               |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|-----------------------------------------------------------|
| <b>Arms—continued.</b><br>Attending to be trained or drilled, &c., &c.*                                                                                                                                                   | 60 Geo. iii.<br>and<br>1 Geo. iv. c. 1. | Fine, and imprisonment not exceeding 2 years.             |
| <b>Arrest—</b><br>Under civil process, of a clergyman, when performing, going to, or returning from divine service.                                                                                                       | 24 & 25 Vic.<br>c. 100, s. 36.          | Misdemeanor; imprisonment not exceeding 2 years, H.L.     |
| <b>Arson—</b><br>See "Malicious Injuries."                                                                                                                                                                                |                                         |                                                           |
| <b>Art—</b><br>Works of, destroying, &c.— see "Malicious Injuries."                                                                                                                                                       |                                         |                                                           |
| <b>Assaults—</b><br>See "Offences against the Person," and see also title, "Assault," in Summary Index.                                                                                                                   |                                         |                                                           |
| <b>Assembly, Unlawful—</b><br>Any person joining in or giving countenance and support to an unlawful assembly.<br>See "Party Processions," and proclamation under "Riot Act," Summary Index; and see "Riot," hereinafter. | Common Law.                             | Misdemeanor, punishable by fine or imprisonment, or both. |

\* *Illegal Drilling, &c.*—60 Geo. iii., and 1 Geo. iv., c. 1, s. 1. "All meetings and assemblies of persons for the purpose of training or drilling themselves, or of being trained or drilled to the use of arms, or for the purpose of practising military exercise, movements or evolutions without any lawful authority from H. Majesty or the Lieutenant, or two Justices of the Peace of any county or riding, or of any stewardry by commission or otherwise for so doing shall be and the same are hereby prohibited as dangerous to the peace, &c. And every person who shall be present at or attend any such meeting or assembly for the purpose of training and drilling any other person or persons to the use of arms, or the practice of military exercise, movements or evolutions, or who shall aid or assist therein, being legally convicted thereof, shall be liable to be transported for any term not exceeding seven years, or imprisonment &c., at the discretion of Court not exceeding two years. And every person who shall attend or be present at any such meeting or assembly as aforesaid for the purpose of being, or who shall at any such meeting or assembly be trained or drilled to the use of arms, or the practice of military exercise, movements or evolutions, being legally convicted, &c., fine and imprisonment not exceeding two years.

Sec. 2. Persons assembled may be dispersed or apprehended or committed for trial unless they find bail.

Sec. 4. Offenders may be prosecuted as if Act not passed. Prosecutions to be within 6 months.

| Offence.                                                                                                                                                                                                                  | Statute.                                          | Punishment.                                                                                                                                                                                              |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Assisting—</b><br>See "Abettors."                                                                                                                                                                                      |                                                   |                                                                                                                                                                                                          |
| <b>Attempt—</b><br>Attempt to choke, suffocate, or strangle any person, so as to render any person insensible or incapable of resistance, with intent thereby to commit, or assist in committing, any indictable offence. | 24 & 25 Vic. c. 100, s. 21. (27 & 28 Vic. c. 47.) | Felony; penal servitude for life, or not less than 5 years; or imprisonment not exceeding 2 years, with or without H. L.                                                                                 |
| Attempt to do bodily harm, by impeding a person endeavouring to save himself from shipwreck, or impeding any person assisting to save, &c.                                                                                | s. 17.                                            | Felony; penal servitude for life, or not less than 5 years; or imprisonment not exceeding 2 years, with or without H. L., and solitary confinement.                                                      |
| Attempt to poison, or by shooting, or attempting to shoot, or attempting to drown, suffocate, or strangle, with intent to commit murder, shall, whether bodily injury be effected or not.                                 | s. 14.                                            | Felony; punishment as last preceding.                                                                                                                                                                    |
| By poison, or by any means wounding with intent to murder.                                                                                                                                                                | s. 11.                                            | Felony like punishment.                                                                                                                                                                                  |
| Attempt to have carnal knowledge of a girl under twelve years.                                                                                                                                                            | s. 52.                                            | Imprisonment not exceeding 2 years, with or without H. L.                                                                                                                                                |
| Attempting to set fire to buildings or goods therein, where the offence would (if set fire to), amount to felony.                                                                                                         | 24 & 25 Vic. c. 97. (27 & 28 Vic. c. 47.)         | Penal servitude not exceeding 14 years, and not less than 5 years; or imprisonment not exceeding 2 years, with or without H. L., and with or without solitary confinement; male under 16 may be whipped. |
| Attempting to set fire to crops, plantations, furze, heath, turf, &c.; stacks of corn, hay, &c.<br>See "Malicious Injuries."                                                                                              | .                                                 | .                                                                                                                                                                                                        |
| <b>Bail—</b><br>For indictable offences which are not bailable, and where it is in the discretion of Justices, and where as of right—see Petty Sessions Act.                                                              | 14 & 15 Vic. c. 93, s. 15.                        | This Act is given in the Appendix.                                                                                                                                                                       |
| <b>Baillie—</b><br>Of any chattel, money, or security, fraudulently converting same to his own use, or to the use of any person, other than owner, although he shall not break bulk, &c.                                  | 24 & 25 Vic. c. 96, s. 3.                         | Shall be guilty of larceny; not to apply the offence punishable summarily.                                                                                                                               |



| Offence.                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Statute.                                                   | Punishment.                                                                                                                                                                                        |
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| <b>Bankers and Bank Notes—</b><br>See "Forgery" and "Embezzlement."                                                                                                                                                                                                                                                                                                                                                                                                       |                                                            |                                                                                                                                                                                                    |
| <b>Barking Trees—</b><br>See "Malicious Injuries."                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                            |                                                                                                                                                                                                    |
| <b>Barrator—</b><br>Common barrator, who excites or maintains suits, &c., or who breeds disputes between neighbours, or spreads false reports.                                                                                                                                                                                                                                                                                                                            | CommonLaw.                                                 | Misdemeanor, punishable by fine and imprisonment; or may be compelled by Justices to find sureties for good behaviour, as persons of "evil fame." See "Sureties to keep the peace," Summary Index. |
| <b>Battery—</b><br>See "Assault."                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                            |                                                                                                                                                                                                    |
| <b>Bawdy House—</b><br>Persons keeping a common bawdy house, or a disorderly house.                                                                                                                                                                                                                                                                                                                                                                                       | CommonLaw.<br>7 Geo. iv.<br>c. 9, s. 1.                    | Misdemeanor; indictable as a nuisance; fine, imprisonment, or both, and H. L.                                                                                                                      |
| <b>Beast—</b><br>Stealing—see "Larceny."<br>Injuring—see "Malicious Injuries."                                                                                                                                                                                                                                                                                                                                                                                            |                                                            |                                                                                                                                                                                                    |
| <b>Bestiality—</b><br>See "Unnatural Offences."                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                            |                                                                                                                                                                                                    |
| <b>Bigamy—</b><br>Whosoever, being married, shall marry any other person during the life of the former husband of wife, whether the second marriage shall have taken place in Ireland, or England, or elsewhere—<br>Not to extend to a second marriage contracted out of England and Ireland, or by other than a subject of Her Majesty, or where husband or wife continually absent for seven years, and not known to be living within that time; or where divorced, &c. | 24 & 25 Vic.<br>c. 100, s. 57.<br>(27 & 28 Vic.<br>c. 47.) | Felony; penal servitude not exceeding 7 years, not less than 5 years; or imprisonment not exceeding 2 years, with or without H. L.<br>Offender may be dealt with where apprehended.                |

| Offence.                                                                                                                                                                                                   | Statute.                   | Punishment.                                   |
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| <b>Birds—</b><br>See "Larceny," "and Malicious Injuries."                                                                                                                                                  |                            |                                               |
| <b>Birth—</b><br>See "Concealing Birth."<br>Forgery register of—see "Forgery."                                                                                                                             |                            |                                               |
| <b>Blasphemy—</b><br>Blasphemous publications, or libels against religion.<br>See "Libels."<br><br>And see "Blasphemy," in Summary Index.                                                                  | Common Law.                | Misdemeanor; fine and imprisonment.           |
| <b>Boat—</b><br>Stealing from—see "Larceny."                                                                                                                                                               |                            |                                               |
| And stealing or taking boat—see Summary Index; title "Boat."                                                                                                                                               |                            |                                               |
| <b>Bodily Harm—</b><br>See "Murder;" "Assault;" "Attempt;" "Offences against the person."                                                                                                                  |                            |                                               |
| <b>Bond—</b><br>Forging—see "Forgery."                                                                                                                                                                     |                            |                                               |
| <b>Boy—</b><br>Under fourteen years of age cannot be convicted of a rape.<br>Or of carnally knowing a girl under ten years.<br>Or of an unnatural offence.<br>See also Summary Index—"Juvenile offenders." | —<br>—<br>—                | R. V. Phillips, 8 Car. and P., 736.<br>"<br>" |
| <b>Breaking and entering House, &amp;c.,</b><br>See "Burglary," "Larceny," and "Malicious Injuries."                                                                                                       |                            |                                               |
| <b>Bridge—</b><br>Damaging—see "Malicious Injuries."                                                                                                                                                       |                            |                                               |
| <b>Broker—</b><br>See "Frauds by Agents," &c.                                                                                                                                                              | 24 & 25 Vic. c. 96, s. 75. | —                                             |

| Offence.                                                                                                                                                                                                                                                                                           | Statute.                                         | Punishment.                                                                                                                                 |
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| <b>Brothel—</b><br>See "Bawdy House."                                                                                                                                                                                                                                                              | Common Law.                                      | Keeper may be indicted as for a nuisance.                                                                                                   |
| <b>Buggery—</b><br>See "Unnatural Offence."                                                                                                                                                                                                                                                        | 24 & 25 Vic. c. 100, s. 61.                      | —                                                                                                                                           |
| <b>Buildings—</b><br>See "Burglary," and "Malicious Injuries."                                                                                                                                                                                                                                     |                                                  |                                                                                                                                             |
| <b>Buoys—</b><br>See "Malicious Injuries."                                                                                                                                                                                                                                                         |                                                  |                                                                                                                                             |
| <b>Burglary—*</b>                                                                                                                                                                                                                                                                                  | 24 & 25 Vic. c. 96, s. 52. (27 & 28 Vic. c. 47.) | Penal servitude for life, or not less than 5 years; or imprisonment not exceeding 2 years, with or without H. L., and solitary confinement. |
| <i>Breaking out.</i> —Whosoever shall enter the dwelling-house of another with intent to commit any felony therein, or being in such dwelling-house shall commit any felony therein, and shall, in either case, break out of said dwelling-house in the night, shall be deemed guilty of burglary. | s. 51.                                           | —                                                                                                                                           |
| <b>Burial—</b><br>Person executed for murder shall be buried within the prison in which last confined; the sentence shall so direct.                                                                                                                                                               | 24 & 25 Vic. c. 96, s. 3.                        | —                                                                                                                                           |
| See also "Dead Bodies."                                                                                                                                                                                                                                                                            |                                                  |                                                                                                                                             |
| <b>Burning—</b><br>See "Malicious Injuries."                                                                                                                                                                                                                                                       |                                                  |                                                                                                                                             |
| <b>Calf—</b><br>See "Larceny."                                                                                                                                                                                                                                                                     |                                                  |                                                                                                                                             |

\* Burglary is the breaking and entering of the dwelling-house of another in the night-time with intent to commit a felony therein. Any actual or constructive breaking in the night-time is sufficient. If any of the family sleep in the house, it will be considered a dwelling-house. (*Night* shall be deemed to commence at nine o'clock, P.M., and to conclude at six o'clock, A.M.—24 & 25 Vic., c. 96, s. 1.)

| Offence.                                                                                                                                                                                                              | Statute.                                                                              | Punishment.                                                                                                                                                                                                                                                               |
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| <b>Canals—</b><br>See "Malicious Injuries."                                                                                                                                                                           |                                                                                       |                                                                                                                                                                                                                                                                           |
| <b>Cancelling—</b> ( <i>written Instruments</i> ).<br>See "Larceny."                                                                                                                                                  |                                                                                       |                                                                                                                                                                                                                                                                           |
| <b>Carnal Knowledge—</b><br>Unlawfully and carnally knowing<br>and abusing any girl under 10.<br><br>Above 10 and under 12 years,<br><br>Indecent assault upon, or <i>attempt</i> to<br>commit the last two offences. | 24 & 25 Vic.<br>c. 96, s. 50.<br>(27 & 28 Vic.<br>c. 47.)<br><br>s. 51.<br><br>s. 52. | Felony; penal servitude<br>for life, or not less than<br>5 years; or imprison-<br>ment not exceeding 2<br>years, with or without<br>H.L.<br>Penal servitude, 5 years;<br>or imprisonment as<br>above.<br>Imprisonment not ex-<br>ceeding 2 years, with<br>or without H.L. |
| <b>Cattle—</b><br>Unlawfully and maliciously killing,<br>maiming, &c.<br>See also "Larceny."                                                                                                                          | 24 & 25 Vic.<br>c. 97, s. 40.<br>(27 & 28 Vic.<br>c. 47.)                             | Felony; penal servitude<br>not exceeding 14 nor<br>less than 5 years, or<br>imprisonment not ex-<br>ceeding 2 years, with<br>or without H.L. and<br>solitary confinement.                                                                                                 |
| <b>Certificate—</b><br>Of marriage—see <i>Forgery</i> .<br>Of dismissal in assaults—see "As-<br>saults," Summary Index.                                                                                               |                                                                                       |                                                                                                                                                                                                                                                                           |
| <b>Challenge (to Fight)—</b><br>Sending, or provoking another to<br>send, challenge to fight.                                                                                                                         | Common Law.                                                                           | Misdemeanor, punish-<br>able by fine and im-<br>prisonment.                                                                                                                                                                                                               |
| <b>Chapel or Church—</b><br>See "Larceny," "Malicious Injuries,"<br>and "Disturbing Divine Worship."                                                                                                                  |                                                                                       |                                                                                                                                                                                                                                                                           |
| <b>Cheating—</b><br>At play, or by any other deceitful and<br>illegal practice which may affect<br>the public.                                                                                                        | Common Law.                                                                           | Punishable by fine and<br>imprisonment.                                                                                                                                                                                                                                   |

| Offence.                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Statute.                                                                                              | Punishment.                                                                                                                                                                                                                                                                               |
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| <p><b>Child—</b><br/>Abandoning or exposing under age of two years, whereby life may be endangered or permanently injured.</p> <p>Aggravated assaults upon, . . .</p> <p><i>Stealing.</i>—By force or fraud taking, enticing, or detaining child under 14 from parents or guardian, or with intent to steal any article from the person of such child.</p> <p>Knowingly harbouring or receiving with like intent—</p> <p>See also "Concealing Birth."</p> | <p>24 &amp; 25 Vic. c. 100, s. 27. (27 &amp; 28 Vic. c. 47.)</p> <p>s. 43.</p> <p>s. 56.</p> <p>"</p> | <p>Penal servitude, 5 years; or imprisonment not exceeding 2 years, with or without H.L.</p> <p>See "Assault," Summary Index.</p> <p>Felony; penal servitude not exceeding 7 nor less than 5 years; or imprisonment not exceeding 2 years. Male under 16 may be whipped.</p> <p>Like.</p> |
| <p><b>Chloroform—</b><br/>Using chloroform or other stupifying drug, or causing same to be taken by any person with intent to commit, or enable any other to commit, an indictable offence.</p>                                                                                                                                                                                                                                                           | <p>24 &amp; 25 Vic. c. 100, s. 22. (27 &amp; 28 Vic. c. 47.)</p>                                      | <p>Felony; penal servitude for life, or not less than 5 years; or imprisonment not exceeding 2 years, with or without H.L.</p>                                                                                                                                                            |
| <p><b>Choke—</b><br/>Attempting to choke or suffocate, in order thereby to commit, or assist another in committing, an indictable offence.</p>                                                                                                                                                                                                                                                                                                            | <p>24 &amp; 25 Vic. c. 100, s. 21.</p>                                                                | <p>Felony; like punishment as last preceding.</p>                                                                                                                                                                                                                                         |
| <p><b>Church—</b><br/>See "Larceny," &amp; "Malicious Injuries." Behaving irreverently in church or church-yard during Divine service.</p> <p>See title "Church," Summary Index.</p>                                                                                                                                                                                                                                                                      | <p>Common Law.</p>                                                                                    | <p>Misdemeanor, punishable by fine and imprisonment.</p>                                                                                                                                                                                                                                  |
| <p><b>Clergyman—</b><br/>Assaulting or obstructing him in discharge of his duty, or arresting under civil process while performing duty, or going to or returning from.</p>                                                                                                                                                                                                                                                                               | <p>24 &amp; 25 Vic. c. 100, s. 36.</p>                                                                | <p>Misdemeanor; imprisonment not exceeding 2 years, with or without H.L.</p>                                                                                                                                                                                                              |
| <p><b>Clerks—</b><br/>See "Larceny;" and for forging records of Court, see "Forgery."</p>                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                       |                                                                                                                                                                                                                                                                                           |

| Offence.                                                                                                                                                                                                                 | Statute.                                                            | Punishment.                                                                                                                                                              |
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| <p><b>Coin</b> (<i>Offences relating to</i>)—<br/> <i>Gold and Silver Coin.</i>—Falsely making or counterfeiting any coin resembling or apparently intended to resemble or pass for current gold or silver coin.</p>     | <p>24 &amp; 25 Vic. c. 99, s. 2.<br/> (27 &amp; 28 Vic. c. 47.)</p> | <p>Felony; penal servitude for life, or not less than 5 years; or imprisonment not exceeding 2 years, with or without H. L. and solitary confinement.</p>                |
| <p>Gilding, silvering, washing, or colouring, &amp;c.</p>                                                                                                                                                                | <p>s. 3.</p>                                                        | <p>Like.</p>                                                                                                                                                             |
| <p>Impairing, diminishing, or lightening the current gold or silver coin.</p>                                                                                                                                            | <p>s. 4.</p>                                                        | <p>Felony; penal servitude not exceeding 14 years, and not less than 5 years; or imprisonment not exceeding 2 years, with or without H. L. and solitary confinement.</p> |
| <p>Unlawfully having in possession any filings or clippings, dust, solution, or otherwise, produced by impairing or diminishing, &amp;c.</p>                                                                             | <p>s. 5.</p>                                                        | <p>Felony; penal servitude not exceeding 7 and not less than 5 years; or imprisonment not exceeding 2 years, with or without H. L. and solitary confinement.</p>         |
| <p>Without lawful authority or excuse buying, selling, receiving, or putting off counterfeit gold or silver coin for less than apparent value.</p>                                                                       | <p>s. 6.</p>                                                        | <p>Felony; penal servitude for life, or not less than 5 years; or imprisonment not exceeding 2 years, with or without H. L. and sol. conf.</p>                           |
| <p><i>Importing</i>, without lawful authority, from beyond the seas, any false or counterfeit coin apparently intended to resemble the Queen's current gold or silver coin, knowing same to be false or counterfeit.</p> | <p>s. 7.</p>                                                        | <p>Felony; penal servitude for life, or not less than 5 years; or imprisonment not exceeding 2 years, with or without H. L. and solitary confinement.</p>                |
| <p><i>Exporting</i> any false or counterfeit coin apparently intended to resemble or pass for any of the Queen's current coin, knowing same to be false, &amp;c.</p>                                                     | <p>s. 8.</p>                                                        | <p>Misdemeanor; imprisonment not exceeding 2 years, with or without H. L. and solitary confinement.</p>                                                                  |
| <p><i>Tendering</i>, uttering, or putting off, false or counterfeit gold or silver coin, knowingly.</p>                                                                                                                  | <p>s. 9.</p>                                                        | <p>Misdemeanor; imprisonment not exceeding 1 year, with or without H. L. and solitary confinement.</p>                                                                   |

| Offence.                                                                                                                                                                                                                                                                                | Statute.                                         | Punishment.                                                                                                                                               |
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| <p><i>Coin—continued.</i><br/>Tendering or uttering, &amp;c., knowingly, and having in possession at the time of tendering, &amp;c., any other counterfeit gold or silver coin; or either on the same, or within ten days, knowingly tendering any counterfeit gold or silver coin.</p> | 24 & 25 Vic. c. 99, s. 10.                       | Misdemeanor; imprisonment not exceeding 2 years, with or without H. L. and solitary confinement.                                                          |
| <p><i>Possession.</i>—Knowingly having in possession three or more pieces of counterfeit coin, apparently intended to resemble current gold or silver coin, and with intent to put off same.</p>                                                                                        | 24 & 25 Vic. c. 99, s. 11. (27 & 28 Vic. c. 47.) | Misdemeanor; penal servitude, 5 years; or imprisonment not exceeding 2 years, with or without H. L. and solitary confinement.                             |
| <p><i>Second Offence.</i>—If any person, before convicted of offence relating to the coin, shall commit any of the offences in sections 9, 10, 11—</p>                                                                                                                                  | s. 12.                                           | Felony; penal servitude for life, or not less than 5 years; or imprisonment not exceeding 2 years, with or without H. L. and solitary confinement.        |
| <p><i>Foreign Coin.</i>—With intent to defraud, tendering or putting off as current gold or silver coin any coin not being such, or medals or metals resembling, and being of less value.</p>                                                                                           | s. 13.                                           | Misdemeanor; imprisonment not exceeding 1 year, with or without H. L. and solitary confinement.                                                           |
| <p><i>Copper Coin.</i>—Counterfeiting the copper coin; making, mending, or having in possession without lawful authority, tools or implements for the purpose; buying, selling, or putting off counterfeit copper coin for less than apparent value.</p>                                | s. 14.                                           | Felony; penal servitude not exceeding 7 nor less than 5 years; or imprisonment not exceeding 2 years, with or without H. L. and solitary confinement.     |
| <p><i>Tendering, uttering, &amp;c., counterfeit copper coin, knowingly; or having three or more pieces of counterfeit copper coin in possession, knowingly.</i></p>                                                                                                                     | s. 15.                                           | Misdemeanor; imprisonment not exceeding 1 year, with or without H. L. and solitary confinement.                                                           |
| <p><i>Defacing Coin.</i>—Defacing gold, silver, or copper coin by stamping names or words thereon.</p>                                                                                                                                                                                  | s. 16.                                           | Like.                                                                                                                                                     |
| <p><i>Foreign Coin.</i>—Counterfeiting foreign coin.</p>                                                                                                                                                                                                                                | s. 18.                                           | Felony; penal servitude not exceeding 7 and not less than 5 years; or imprisonment not exceeding 2 years, with or without H. L. and solitary confinement. |

| Offence.                                                                                                                          | Statute.                                         | Punishment.                                                                                                                                        |
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| <b>Coin—continued.</b><br><i>Importing</i> without lawful authority into United Kingdom counterfeit foreign gold or silver coin.  | 24 & 25 Vic. c. 99, s. 19. (27 & 28 Vic. c. 47.) | Felony; like punishment as last preceding.                                                                                                         |
| <i>Uttering, tendering, &amp;c.</i> , counterfeit foreign gold or silver coin, knowingly.                                         | s. 20.                                           | Misdemeanor; imprisonment not exceeding 6 months, with or without H.L.                                                                             |
| <i>Second Offence</i> of uttering as in last section.                                                                             | s. 21.                                           | Misdemeanor; imprisonment not exceeding 2 years, with or without H.L. and solitary confinement.                                                    |
| <i>Third Offence</i> , . . . . .                                                                                                  | "                                                | Felony; penal servitude for life, or not less than 5 years; or imprisonment not exceeding 2 years, with or without H. L. and solitary confinement. |
| Counterfeiting any foreign coin other than gold or silver.                                                                        | s. 22.                                           | Misdemeanor; imprisonment not exceeding 1 year.                                                                                                    |
| <i>Second Offence</i> , . . . . .                                                                                                 | "                                                | Penal servitude not exceeding 7 nor less than 5 years; or imprisonment not exceeding 2 years, with or without H.L. and solitary confinement.       |
| <i>Possession</i> .—Without wilful authority, having more than five pieces of counterfeit foreign gold or silver coin.            | s. 23.                                           | Triable before a Justice of the Peace. See "Coin," Summary Index.                                                                                  |
| <i>Coining Tools</i> .—Making, mending, buying, selling, or having in possession, knowingly, tools or implements for coining, &c. | s. 24.                                           | Felony; penal servitude for life, not less than 5 years; or imprisonment not exceeding 2 years, with or without H.L. and solitary confinement.     |
| <i>Mint</i> .—Without lawful authority, knowingly conveying tools out of Her Majesty's Mints, or any coin, bullion, metals, &c.   | s. 25.                                           | Felony; penal servitude for life, or not less than 5 years; or imprisonment not exceeding 2 years, with or without H.L. and solitary confinement.  |



| Offence.                                                                                                                                           | Statute.                                                   | Punishment.                                                                                                                                                                          |
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| <b>Coin—continued.</b>                                                                                                                             |                                                            |                                                                                                                                                                                      |
| Coin suspected may be cut, . . .                                                                                                                   | 25 & 25 Vic.<br>c. 99, s. 26.                              | —                                                                                                                                                                                    |
| Discovery and seizure of coin and tools.                                                                                                           | s. 27.                                                     | —                                                                                                                                                                                    |
| <i>Proof</i> —Any moneyer or credible witness may prove coin to be counterfeit.                                                                    | s. 29.                                                     | —                                                                                                                                                                                    |
| Counterfeit complete, although unfinished.                                                                                                         | s. 30.                                                     | —                                                                                                                                                                                    |
| Apprehension of offenders, . . .                                                                                                                   | s. 31.                                                     | —                                                                                                                                                                                    |
| Accessories, . . .                                                                                                                                 | s. 35.                                                     | —                                                                                                                                                                                    |
| See also Summary Jurisdiction Index—“Coin.”                                                                                                        |                                                            |                                                                                                                                                                                      |
| <b>Combination—</b>                                                                                                                                |                                                            |                                                                                                                                                                                      |
| Assault in pursuance of unlawful combination to raise wages, or respecting trade, &c.                                                              | 24 & 25 Vic.<br>c. 100, s. 41.                             | Misdemeanor; imprisonment not exceeding two years' H.L.                                                                                                                              |
| See also “Conspiracy;” and for “Combination of Workmen,” see Summary Index.                                                                        |                                                            |                                                                                                                                                                                      |
| <b>Common Assault—</b>                                                                                                                             |                                                            |                                                                                                                                                                                      |
| See “Summary Index;” title, “Assault.”                                                                                                             |                                                            |                                                                                                                                                                                      |
| <b>Companies (<i>Frauds by Public</i>)—</b>                                                                                                        |                                                            |                                                                                                                                                                                      |
| See “Larceny.”                                                                                                                                     |                                                            |                                                                                                                                                                                      |
| <b>Compounding Offences—</b>                                                                                                                       |                                                            |                                                                                                                                                                                      |
| Compounding (that is, taking a reward for forbearing to prosecute) any felony or misdemeanor, or even an information, on a penal statute.          | Common Law.                                                | Misdemeanor, punishable by fine or imprisonment, or both.<br>(See <i>Gabbett</i> , 240; 2 <i>Burn</i> , 831; 1 <i>Hawk.</i> , 59, s. 5.)                                             |
| Compounding offences against the Larceny Act, by corruptly taking reward for helping to restore stolen goods (without bringing offender to trial). | 24 & 25 Vic.<br>c. 96, s. 101.<br>(27 & 28 Vic.<br>c. 47.) | Felony; penal servitude not exceeding 7, and not less than 5 years; imprisonment not exceeding 2 years, with or without H.L. and solitary confinement. Male under 18 may be whipped. |

| Offence.                                                                                                                                                                                                                                                              | Statute.                                         | Punishment.                                                                                                                                                                                      |
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| <p><b>Concealing Birth—</b><br/>If any woman shall be delivered of a child, every person who shall, by any secret disposition of the dead body of the said child, whether such child died before, at, or after its birth, endeavour to conceal the birth thereof—</p> | 24 & 25 Vic. c. 100, s. 60.                      | <p>Misdemeanor; imprisonment not exceeding 2 years, with or without H.L.<br/> Proviso: person indicted for murder, and acquitted, may (if it appear in evidence) be convicted of concealing.</p> |
| <p><b>Concealing Deeds, &amp;c.—</b><br/>See "Larceny."</p>                                                                                                                                                                                                           |                                                  |                                                                                                                                                                                                  |
| <p><b>Conspiracy—</b><br/>Conspiring, agreeing, soliciting, endeavouring to persuade, or proposing to any person to murder another.</p>                                                                                                                               | 24 & 25 Vic. c. 100, s. 4. (27 & 28 Vic. c. 47.) | Misdemeanor; penal servitude not more than 10, nor less than 5 years; or imprisonment not exceeding 2 years, with or without H.L.*                                                               |
| <p>To charge another with a crime punishable by law, either from vindictive motives or to extort money.</p>                                                                                                                                                           | Common Law.                                      | Fine, or imprisonment, or both.                                                                                                                                                                  |
| <p>Wrongfully to injure any third person or body of men in any other manner, unless the injury be a mere civil trespass.</p>                                                                                                                                          | "                                                | Like.                                                                                                                                                                                            |
| <p>To commit any offence punishable by law.</p>                                                                                                                                                                                                                       | "                                                | Like.                                                                                                                                                                                            |
| <p>To do any act with intent to pervert the course of justice.</p>                                                                                                                                                                                                    | "                                                | Like.                                                                                                                                                                                            |
| <p>To effect a legal purpose with a corrupt intent, or by illegal means. (<i>Gab. Crim. Law</i>).</p>                                                                                                                                                                 | "                                                | Like.                                                                                                                                                                                            |
| <p>And see "Combination," Summary Index.</p>                                                                                                                                                                                                                          |                                                  |                                                                                                                                                                                                  |
| <p><b>Constable—</b><br/>Assaulting, resisting, or wilfully obstructing peace officer in execution of his duty, or any person acting in his aid, or assaulting any person with intent to resist or prevent lawful apprehension for any offence.†</p>                  | 24 & 25 Vic. c. 100, s. 88.                      | Misdemeanor; imprisonment not exceeding 2 years, with or without H.L.                                                                                                                            |

\* This offence is here made punishable as a misdemeanor, but if convicted as an "accessory," the offence would be felony. (*See Archbold*, page 24.)

† The offence may be summarily dealt with by two Justices under 25 & 26 Vic. c. 50, s. 10.—See title, "Constable;" Summary Index.

| Offence.                                                                                                                                                              | Statute.                                           | Punishment.                                 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|---------------------------------------------|
| <b>Constable—continued.</b><br>Larceny or embezzlement by constable—see "Larceny."<br>See also Summary Index; title, "Constable."                                     |                                                    |                                             |
| <b>Contagion—</b><br>See "Nuisance."                                                                                                                                  |                                                    |                                             |
| <b>Contempts—</b><br>Vilifying or abusing Magistrates, &c., in execution of their office.<br>See Summary Index; titles, "Contempt," and "Sureties to keep the Peace." | Common Law.                                        | Misdemeanor; fine or imprisonment, or both. |
| <b>Copper Coin—</b> ( <i>Counterfeiting, &amp;c.</i> )<br>See "Coin."                                                                                                 |                                                    |                                             |
| <b>Conviction—</b><br>See Summary Index.                                                                                                                              |                                                    |                                             |
| <b>Corn—</b><br>Crops of, &c.—setting fire to—see "Malicious Injuries."                                                                                               |                                                    |                                             |
| <b>Corrosive Fluid—</b><br>Throwing on the person—see "Offences against the Person."                                                                                  |                                                    |                                             |
| <b>Counsel—</b><br>Prisoners' Counsel Act, . . . . .<br>In Petty Sessions parties may plead by Counsel or Attorney.                                                   | 6 & 7 Wm. iv. c. 114.<br>14 & 15 Vic. c. 93, s. 9. | —<br>—                                      |
| <b>Counterfeit Coin—</b><br>See "Coin."                                                                                                                               |                                                    |                                             |
| <b>Cow (Stealing)—</b><br>See "Larceny."                                                                                                                              |                                                    |                                             |
| <b>Crops (Setting Fire to)—</b><br>See "Malicious Injuries."                                                                                                          |                                                    |                                             |
| <b>Cruelty—</b><br>To children, apprentices, &c. See "Offences against the Person."                                                                                   |                                                    |                                             |

| Offence.                                                                                                                                                                                                                                               | Statute.                  | Punishment.                                                                              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|------------------------------------------------------------------------------------------|
| <b>Customs—</b><br>See "Summary Index."                                                                                                                                                                                                                |                           |                                                                                          |
| <b>Damage (<i>Wilful</i>)—</b><br>See "Malicious Injuries."                                                                                                                                                                                            |                           |                                                                                          |
| <b>Dangerous Goods—</b><br>Delivering or causing to be delivered to any carrier, warehouse, ship, railway, &c., goods which are specially dangerous, without being specially marked, &c., as by Act required.<br>(Proviso as to absence of knowledge.) | 29 & 30 Vic. c. 90, s. 3. | Penalty not exceeding £500; or imprisonment with or without H.L., not exceeding 2 years. |
| <b>Dead Bodies—</b><br>Obstructing a clergyman in the discharge of his duty, reading the burial service.<br>Burying the body of one who has died a violent death, without sending for the coroner, or before inquest held.                             | Common Law.<br>"          | Misdemeanor; fine and imprisonment.<br>Like.                                             |
| <b>Declaration—</b><br>Wilfully making false statements in declarations, substituted for oaths under—<br>See also "Dying Declarations."                                                                                                                | 5 & 6 W. iv. c. 62.       | Misdemeanor.                                                                             |
| <b>Deer (<i>Stealing</i>)—</b><br>See title "Larceny," in this, and also in the Summary Index.                                                                                                                                                         |                           |                                                                                          |
| <b>Defacing Coin—</b><br>See "Coin."                                                                                                                                                                                                                   |                           |                                                                                          |
| <b>Defamatory Libel—</b><br>See "Libel."                                                                                                                                                                                                               |                           |                                                                                          |
| <b>Defilement (<i>of Girls</i>)—</b><br>Procuring—see "Offences against the Person."                                                                                                                                                                   |                           |                                                                                          |
| <b>Demanding Money (<i>with Menaces</i>)—</b><br>See "Larceny from the Person."                                                                                                                                                                        |                           |                                                                                          |
| <b>Demolishing Buildings—</b><br>By Rioters—see "Malicious Injuries."<br>By Tenants—see "Landlord and Tenant," Summary Index.                                                                                                                          |                           |                                                                                          |

| Offence.                                                                                                                                                                                                                                                                                                                                                                                   | Statute.                                                         | Punishment.                                                                                                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|
| <b>Depositions—</b><br>Mode of taking, and other duties in respect to same, by Justices and Officers.<br>See also Prisoners' Counsel Act,                                                                                                                                                                                                                                                  | 14 & 15 Vic. c. 93, s. 14, &c.<br><br>6 & 7 W. iv. c. 114, s. 8. | For Act, see Appendix.<br><br>—                                                                            |
| <b>Disfigure—</b><br>See "Offences against the Person."<br><br><b>Disorderly Houses—</b><br>See "Bawdy house."                                                                                                                                                                                                                                                                             |                                                                  |                                                                                                            |
| <b>Disturbing—(Public Worship)—</b><br>Disturbing the public worship of any congregation assembled according to law.<br><br>Maliciously and contemptuously to enter any church, chapel, or congregation of Protestant Dissenters, and disturb same, or misuse any teacher.<br>And see title, "Church," Summary Index.<br>See also "Offences against the Person," and "Malicious Injuries." | Common Law.<br><br>6 Geo. i. c. 5.                               | Misdemeanor; (see <i>Gab. Cr. L.</i> , 294.)<br><br>Penalty £20, recoverable at Quarter Sessions.          |
| <b>Dogs—</b><br>See "Larceny" of animals; and in Summary Index, see "Dogs," and "Cruelty to Animals."                                                                                                                                                                                                                                                                                      |                                                                  |                                                                                                            |
| <b>Duelling (where Death ensues)—</b><br>See "Offences against the Person."                                                                                                                                                                                                                                                                                                                |                                                                  |                                                                                                            |
| <b>Drilling (Illegal)—</b><br>See "Arms."                                                                                                                                                                                                                                                                                                                                                  |                                                                  |                                                                                                            |
| <b>Driving (Furious)—</b><br>See "Offences against the Person;" and see also Summary Index.                                                                                                                                                                                                                                                                                                |                                                                  |                                                                                                            |
| <b>Dwelling House—</b><br>See "Burglary," and "Malicious Injuries."                                                                                                                                                                                                                                                                                                                        |                                                                  |                                                                                                            |
| <b>Dying Declarations,*</b> . . .                                                                                                                                                                                                                                                                                                                                                          | —                                                                | May be taken by a Magistrate or any other person, when the person making it is dying from a mortal injury. |

\* The depositions of witnesses who have died, in order to have same read on the trial of the accused, it must clearly appear that they have been taken as directed by the statute (14 & 15 Vic., c. 93, s. 14), in presence and hearing of the accused; and that

| Offence.                                                                                                                                                                                                                               | Statute.                                         | Punishment.                                                                                                                                                                     |
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| <b>Embezzlement—</b><br>Clerk or servant who shall fraudulently embezzle any chattel, money, or valuable security delivered to, or received by him, for or on account of his master, shall be deemed to have feloniously stolen same.* | 24 & 25 Vic. c. 96, s. 68. (27 & 28 Vic. c. 47.) | Penal servitude not exceeding 14 years, and not less than 5 years; or imprisonment not exceeding 2 years, with or without H.L. and solitary confinement.                        |
| Persons employed in the Queen's service, or the Police, who shall embezzle any chattel, money, &c., or shall in any manner fraudulently apply, or dispose of same, for any other than the public service.                              | s. 70.                                           | Shall be deemed to have feloniously stolen same. Penal servitude not exceeding 14 years, and not less than 5 years; or imprisonment not exceeding 2 years, with or without H.L. |

he or his counsel had an opportunity of cross-examining the witness. The reading of a dying declaration on the trial is an exception; and the principle upon which it is received as evidence is the awful solemnity of the situation under which it is delivered, when all hope of this world is gone, when every motive to falsehood is silenced, and the mind is induced by the most powerful considerations to speak the truth. It need not be in the presence of the accused, nor is it to be on oath; for the situation of the dying man is considered by the law as creating an obligation equal to that which is imposed by an oath administered in Court. It is very desirable that it should be in writing, but it is admissible, although not committed to writing. It may be taken down by any person, but it is most likely that a Magistrate will be called in; and if it be at all practicable, it is his duty to commit it to writing. The proceeding is simple, but demands caution and close attention. It should not alone appear to others that he is dying, but it should be collected from his own statements, or other circumstances, that he is aware of the extremity of his situation, and impressed with the hopelessness of his recovery. The Magistrate will, with caution and delicacy, inquire into this, collecting the facts from circumstances, and from the dying man, according to the best of his judgment. He will closely watch and attend to the whole conduct of the person making the statement, the state of his mind, his recollection and understanding, although naturally these must be impaired by the decay of nature, and above all, that he feels he is at the time dying of the wounds received. The Magistrate, or whoever takes the declaration, will in the first instance acquaint the party with his awfully solemn situation, and admonish him from these considerations to speak the truth. It will be for the Court afterwards, on hearing the declaration read, and examining the Magistrate or person who took it, to say whether or not it is admissible. It is proper to observe that if the injured person does not feel that he is dying, and that he is able to make his statement on oath, and if the accused can be brought forward, the deposition should be regularly taken as directed by the Statute.

\* *Embezzlement* is a specific term. The offence is of the same nature as Larceny. The possession of the servant is said to be the possession of the master. The wrongful appropriation by the servant of goods, money, &c., given him by the master, is larceny, but when given him by another for his master, the wrongful appropriation is embezzlement. A proper understanding of the terms *Possession* and *Property* is

| Offence.                                                                                                                                                                                                                                                                                                                                         | Statute.                                                                | Punishment.                                                                                                                                                                                      |
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| <b>Embezzlement—continued.</b><br>Committal or indictment may lay the property in Her Majesty.<br>If, upon trial for embezzlement, it turn out to be larceny, defendant not to be acquitted; and <i>vice versa</i> .<br>Officers of Bank of England or Ireland secreting, embezzling, or running away with bonds, notes, moneys, or effects, &c. | 24 & 25 Vic.<br>c. 96, s. 72.<br><br>s. 73.<br>(27 & 28 Vic.<br>c. 47.) | —<br><br>Felony; penal servitude for life, or not less than 5 years; or imprisonment not exceeding 2 years, with or without H.L., and solitary confinement.                                      |
| Knowingly receiving goods, moneys, &c., where the stealing, obtaining, embezzling, &c., amounts to felony by this Act or at Common Law.<br>See also "Larceny."                                                                                                                                                                                   | s. 91.                                                                  | Felony; penal servitude not exceeding 14 years, or not less than 5 years; or imprisonment not exceeding 2 years, with or without H.L. and solitary confinement.<br>Male under 16 may be whipped. |
| <b>Engine (Obstructing)—</b><br>See "Offences against the Person," and "Malicious Injuries."                                                                                                                                                                                                                                                     |                                                                         |                                                                                                                                                                                                  |

requisite. *Possession* extends to those things under our control, or under the control of our servants, and even further. *Property* is the right to that possession with an ability to exercise that right. In larceny the owner is deprived of his property in the thing taken. Embezzlement then is the fraudulent misapplication by clerk or servant of any chattel, &c., received by him for his master—and, in the words of the section "he shall be deemed to have *stolen* the same."

It is clearly settled that a prisoner, by making an admission in his accounts that he has received the money, does not thereby necessarily free himself from the charge of embezzlement, if there be other circumstances from which the jury may infer that the money was fraudulently appropriated. *R. V. Lister, Dears, & B. C. C. 118, Roscoe, 421.*

**Employment.**—Where a servant who was not authorized to receive money was standing near a desk in his master's counting-house, and a person who owed money to the master paid it to the servant, who appropriated it, this was held to be no embezzlement, *R. V. Hawker, 7 C. & P. 281.* It is not however necessary that the servant should have been acting in the ordinary course of his employment when he received the money, provided that he was employed by his master to do so on that particular occasion. *R. V. Smith, Russ. & Ry. 516.* So although it may not have been part of the servant's duty to receive money in the capacity in which he was originally hired, yet if he has been in the habit of receiving money for his master, he is within the statute. *R. V. Barker, Dow. & Ry., N. P. C. 19.* For further readings and decisions see *Roscoe and Archibald.*

| Offence.                                                                                                                                                                                                                                                                                                                                       | Statute.                                                                                                                                                                                                                                                                                                                    | Punishment.                                                                                                                                                                                 |
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| <p><b>Entry (<i>Forcible</i>)—*</b><br/>           Forcible possession, entry, or detainer of lands or tenements, without due process or authority of law.</p> <p>Forcibly, and without due process of law, taking possession of a house, land, or tenement, or holding such possession, or resisting process for giving quiet possession.</p> | <p>Common Law.<br/>           also<br/>           5 Rich. ii. c. 8.<br/>           10 Car. i. st.<br/>           3, <sup>2</sup>/<sub>s.</sub> 13 (1.)<br/>           26 Geo. iii.<br/>           c. 24, ss. 64, 65.<br/>           25 Geo. ii.<br/>           c. 12.<br/>           40 Geo. iii.<br/>           c. 96.</p> | <p>Misdemeanor, punishable by fine and imprisonment.</p> <p>Felony; but the offence is generally indicted as a misdemeanor at Common Law.</p>                                               |
| <p>Entry in burglary—see "Burglary"</p>                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                             |
| <p><b>Escape—</b><br/>           Negligently permitting prisoner to escape.<br/>           Voluntarily permitting prisoner to escape.</p>                                                                                                                                                                                                      | <p>Common Law.<br/>           "</p>                                                                                                                                                                                                                                                                                         | <p>Misdemeanor.</p> <p>Felony, punishable as offence for which prisoner in custody.—(1 Russ., 370.)</p>                                                                                     |
| <p>See Summary Index—"Gaol," &amp;c.</p>                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                             |
| <p><b>Explosive Substances—</b><br/>           See "Offences against the Person;"<br/>           "Malicious Injuries."</p>                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                             |
| <p><b>Exposing (<i>Child</i>)—</b><br/>           See "Offences against the Person."</p>                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                             |
| <p><b>Extortion—</b><br/>           Letter, threatening to accuse of crime, with intent to extort, &amp;c.</p>                                                                                                                                                                                                                                 | <p>24 &amp; 25 Vic.<br/>           c. 96, s. 46.<br/>           (27 &amp; 28 Vic.<br/>           c. 47.)</p>                                                                                                                                                                                                                | <p>Felony; penal servitude for life, or not less than 5 years; or imprisonment not exceeding 2 years, with or without H. L. and solitary confinement; and male under 16 may be whipped.</p> |
| <p>Knowingly receiving goods, &amp;c., obtained by extortion.</p>                                                                                                                                                                                                                                                                              | <p>s. 91.</p>                                                                                                                                                                                                                                                                                                               | <p>May be convicted as an accessory after the fact, or for a substantive felony.</p>                                                                                                        |

\* *Forcible Entry*.—There seems now to be no doubt that a party may be guilty of a forcible entry, by violently and with force entering into that to which he has a legal title. *Newton v. Harland*, 1 M. & G. 644, 1 Russ. by Grea. 805, see *Roscoe*.



| Offence.                                                                                                                                                                                                                                                      | Statute.                                                               | Punishment.                                                                                                                                                                                                                             |
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| <p><b>Extortion—continued.</b><br/>The unlawful taking of money or thing of value by any officer by colour of his office ; exacting a greater fee than is due, or where none is due, or before it is due.<br/>For extortion by officers of bankrupt, see—</p> | <p>Common Law.<br/><br/>7 Wm. iv. s. 157.<br/>1 Vic. c. 48. s. 11.</p> | <p>Misdemeanor; fine and imprisonment.—<br/>(1 <i>Hawk.</i>, c. 68, ss. 1, 5; <i>Hayes</i>, 349.)<br/><br/>Misdemeanor; penalty £500.</p>                                                                                               |
| <p><b>Factors (Frauds by)—</b><br/>See “Larceny;” “Frauds by Agents,” &amp;c.</p>                                                                                                                                                                             |                                                                        |                                                                                                                                                                                                                                         |
| <p><b>False Entries (in Register)—</b><br/>See “Forgery.”</p>                                                                                                                                                                                                 |                                                                        |                                                                                                                                                                                                                                         |
| <p><b>False Lights or Signals (to Ships)—</b><br/>See “Malicious Injurias.”</p>                                                                                                                                                                               |                                                                        |                                                                                                                                                                                                                                         |
| <p><b>False Imprisonment—</b><br/>Every confinement of the person is an imprisonment, whether in a common prison or in a private house, or even a forcible detainer in the public streets.—2 <i>Inst.</i>, 589.</p>                                           | <p>Common Law.</p>                                                     | <p>Misdemeanor; fine and imprisonment.</p>                                                                                                                                                                                              |
| <p><b>False Pretences—*</b><br/>By false pretence obtaining from any person any chattel, money, or valuable security, with intent to defraud.<br/>(The attempt to obtain, &amp;c., with intent to defraud, is sufficient under this section).†</p>            | <p>24 &amp; 25 Vic. c. 96, s. 88.<br/>(27 &amp; 28 Vic. c. 47.)</p>    | <p>Misdemeanor; penal servitude 5 years; or imprisonment not exceeding 2 years, with or without H. L., and solitary confinement; and if on the trial it be found to be larceny, prisoner shall not be acquitted of the misdemeanor.</p> |

\* In taking depositions for “False Pretences,” it is important to give as nearly as possible the words used, which constitute the offence. But it is not always necessary that the false pretence should be in words; there may be a sufficient false pretence within the meaning of the Act, to be implied from the acts and conduct of the party, without any verbal representation of a false or fraudulent nature.—(*Archbold, False Pretences*, page 305.)

† In the proviso at the end of the above section, it will be seen that the attempt to obtain the property, with intent to defraud, is sufficient for the purposes of the indictment.

| Offence.                                                                                                                                                                                                                                                                                                                                                                                      | Statute.                                                                                   | Punishment.                                                                                                                                                                                                        |
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| <p><b>False Pretences—continued.</b><br/>           By false pretence causing or procuring money to be paid, or any chattel or security to be delivered to any other person, with intent to defraud.<br/>           By false pretence fraudulently causing or inducing any other person to execute, make, accept, endorse, or destroy any valuable security, or to execute deeds, &amp;c.</p> | <p>24 &amp; 25 Vic. c. 96, s. 89.<br/><br/>           s. 90. (27 &amp; 28 Vic. c. 47.)</p> | <p>Offence to be within the meaning of the preceding section.<br/><br/>           Misdemeanor; penal servitude 5 years; or imprisonment not exceeding 2 years, with or without H. L. and solitary confinement.</p> |
| <p><b>False Weights—</b><br/>           Cheating by means of false weights, See Summary Index—"Weights and Measures."</p>                                                                                                                                                                                                                                                                     | <p>Common Law.</p>                                                                         | <p>Misdemeanor; fine and imprisonment.</p>                                                                                                                                                                         |
| <p><b>Felony (<i>Assault with intent to commit</i>)—</b><br/>           See "Offences against the Person."</p>                                                                                                                                                                                                                                                                                |                                                                                            |                                                                                                                                                                                                                    |
| <p><b>Fences—</b><br/>           See Summary Index—"Larceny," and "Malicious Injuries."</p>                                                                                                                                                                                                                                                                                                   |                                                                                            |                                                                                                                                                                                                                    |
| <p><b>Filings—</b><br/>           See "Coin."</p>                                                                                                                                                                                                                                                                                                                                             |                                                                                            |                                                                                                                                                                                                                    |
| <p><b>Fire—</b><br/>           See "Malicious Offences."</p>                                                                                                                                                                                                                                                                                                                                  |                                                                                            |                                                                                                                                                                                                                    |
| <p><b>Firing (<i>at Person</i>)—</b><br/>           See "Offences against the Person."</p>                                                                                                                                                                                                                                                                                                    |                                                                                            |                                                                                                                                                                                                                    |
| <p><b>Fish (<i>taking in water, belonging to a dwelling-house</i>)—</b><br/>           See Summary Index; title, "Larceny." See also "Fisheries."</p>                                                                                                                                                                                                                                         |                                                                                            |                                                                                                                                                                                                                    |
| <p><b>Fish-Ponds—</b><br/>           See "Malicious Injuries."</p>                                                                                                                                                                                                                                                                                                                            |                                                                                            |                                                                                                                                                                                                                    |
| <p><b>Fixtures—</b><br/>           See "Larceny;" "Malicious Injuries." Also Summary Index; title, "Landlord and Tenant," for precept to prevent waste.</p>                                                                                                                                                                                                                                   |                                                                                            |                                                                                                                                                                                                                    |
| <p><b>Food (<i>not providing Apprentices, &amp;c., with</i>)—</b><br/>           See "Offences against the Person" and "Public Health."</p>                                                                                                                                                                                                                                                   |                                                                                            |                                                                                                                                                                                                                    |

| Offence.                                                                                                                                                                                                                                                  | Statute.                                                 | Punishment.                                                                                                                                       |
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| <b>Forcible Abduction—</b><br>See "Abduction," and "Offences against the Person."                                                                                                                                                                         |                                                          |                                                                                                                                                   |
| <b>Forcible Entry—</b><br>See "Entry."                                                                                                                                                                                                                    |                                                          |                                                                                                                                                   |
| <b>Forcibly demanding Money—</b><br>See "Larceny," &c.                                                                                                                                                                                                    |                                                          |                                                                                                                                                   |
| <b>Foreign (Service)—</b><br>Natural born subjects enlisting or engaging to enlist or serve in foreign service.<br>Justice, on information, may issue warrant to arrest offenders.<br>Act contains penalties for fitting out vessels for foreign service. | 59 Geo. iii.<br>c. 69, s. 2.<br><br>s. 3.<br><br>s. 11.  | Misdemeanor; fine or imprisonment or both.<br><br><br><br>Recoverable by actions of debt in Q. B.                                                 |
| <b>Foreign Coin—</b><br>See "Coin."                                                                                                                                                                                                                       |                                                          |                                                                                                                                                   |
| <b>Forgery—</b><br><i>Of Her Majesty's seals, sign manual, &amp;c., or uttering documents so forged.</i>                                                                                                                                                  | 24 & 25 Vic.<br>c. 98, s. 1.<br>(27 & 28 Vic.<br>c. 47.) | Felony; penal servitude for life, or not less than 5 years; or imprisonment not exceeding 2 years, with or without H.L. and solitary confinement. |
| <b>Public Funds.—</b> Forgery of transfer of stock, or powers of attorney, &c.<br>Personating owner of stock, &c.<br>Forging attestation of power of attorney for transfers.                                                                              | s. 2.<br>s. 3.<br>s. 4.                                  | Like.<br>Like.<br>Felony; penal servitude from 5 to 7 years, or imprisonment as above.                                                            |
| <b>Making false entries in the books of the public funds, &amp;c.</b>                                                                                                                                                                                     | s. 5.                                                    | Felony; penal servitude for life, or not less than 5 years; or imprisonment as above.                                                             |
| <b>Making out or delivering false dividend warrants.</b>                                                                                                                                                                                                  | s. 6.                                                    | Felony; penal servitude from 5 to 7 years; or imprisonment not exceeding 2 years, with or without H. L. and solitary confinement.                 |
| <b>India Bonds.—</b> Forging, uttering, altering, &c.                                                                                                                                                                                                     | s. 7.                                                    | Felony; penal servitude for life, or not less than 5 years; or imprisonment as preceding.                                                         |

| Offence.                                                                                                                                                                                                                     | Statute.                                        | Punishment.                                                                                                                                        |
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| <b>Forgery—continued.</b>                                                                                                                                                                                                    |                                                 |                                                                                                                                                    |
| <i>Exchequer Bills, &amp;c.</i> —Forging, uttering, altering, &c., or any receipts for interest.                                                                                                                             | 24 & 25 Vic. c. 98, s. 8. (27 & 28 Vic. c. 47.) | Felony; like punishment.                                                                                                                           |
| <i>Plates.</i> —Without lawful authority, making, or causing to be made, or knowingly having in possession, frames or instruments, plates, seals, or dies, &c., in imitation.                                                | s. 9.                                           | Felony; penal servitude, 5 to 7 years; or imprisonment not exceeding 2 years, with or without H.L. and solitary confinement.                       |
| <i>Paper, &amp;c.</i> —Making, causing to be made, or having in possession, intended to imitate—                                                                                                                             | s. 10.                                          | Like.                                                                                                                                              |
| <i>Possession</i> of paper manufactured under directions of Commissioners, &c., for Exchequer bills, bonds, &c., before issue for public use, or any plates or seals as in two preceding sections, without lawful authority. | s. 11.                                          | Misdemeanor; imprisonment not exceeding 5 years, with or without H.L.                                                                              |
| <i>Bank Notes.</i> —Forging, uttering, &c., notes of Bank of England or Ireland, or any bank notes, bills of exchange, bank post bills, &c., with intent to defraud.*                                                        | s. 12.                                          | Felony; penal servitude for life, or not less than 5 years; or imprisonment not exceeding 2 years, with or without H. L. and solitary confinement. |
| Purchasing, receiving, or having in possession, knowingly, and without lawful excuse.                                                                                                                                        | s. 13.                                          | Felony; penal servitude, 14 years, and not less than 5 years, or imprisonment not exceeding 2 years, with or without H.L.                          |
| Making or knowingly having in possession, mould or instrument for making paper, with the words "Bank of England," or "Bank of Ireland," or with curved lines, or selling such paper.                                         | s. 14.                                          | Felony; penal servitude 14 years, and not less than 5 years; or imprisonment not exceeding 2 years, with or without H.L.                           |
| And see exceptions.                                                                                                                                                                                                          |                                                 |                                                                                                                                                    |
| <i>Plates, &amp;c.</i> —Engraving plates, &c., for notes of Bank of England or Ireland, or other Banks; or having paper upon which a blank Bank note, &c., is printed.                                                       | s. 16.                                          | Felony; like punishment.                                                                                                                           |

\* It has been decided that the forgery may be proved by any of the bank inspectors or by any person acquainted with the handwriting of the signing clerk, without calling the latter.—(Archbold, 457.)

| Offence.                                                                                                                                                                                        | Statute.                                         | Punishment.                                                                                                                                                      |
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| <b>Forgery—continued.</b><br>Engraving resembling part of a Bank note or paper on which any such part is impressed, having same in possession, &c.                                              | 24 & 25 Vic. c. 98, s. 17. (27 & 28 Vic. c. 47.) | Felony; like punishment.                                                                                                                                         |
| Making, using, or having in possession, mould for paper, with the name of any banker, or having paper in possession.                                                                            | s. 18.                                           | Felony; like punishment.                                                                                                                                         |
| Making plates for foreign bills, or paper upon which any part of such bill is printed, or knowingly having in possession.                                                                       | s. 19.                                           | Felony; penal servitude not exceeding 14 years, nor less than 5; or imprisonment not exceeding 2 years, with or without H.L.                                     |
| <i>Deeds, Wills, Bills of Exchange, Orders, &amp;c.</i> —With intent to defraud, forging, altering, uttering, &c., any deed, bond, or assignment, or forging witnesses' names, &c.              | s. 20.                                           | Felony; penal servitude for life, or not less than 5 years; or imprisonment not exceeding 2 years, with or without H.L. and solitary confinement.                |
| Forging, altering, uttering, <i>wills, &amp;c.</i> , knowingly*                                                                                                                                 | s. 21.                                           | Like offence and punishment.                                                                                                                                     |
| Forging, altering, uttering, &c., knowingly, bills of exchange, acceptances, promissory notes, or assignments, &c., with intent to defraud.                                                     | s. 22.                                           | Like offence and punishment.                                                                                                                                     |
| Forging, uttering, &c., knowingly, undertaking, warrant, order, &c., for payment of money, delivery, or transfer of goods, &c., or for procuring or giving credit, &c., with intent to defraud. | s. 23.                                           | Like offence and punishment.                                                                                                                                     |
| Making or accepting, &c., bill, note, undertaking order, &c., by procuration or otherwise, in the name of any person, without lawful authority, and with intent to defraud.                     | s. 24.                                           | Felony; penal servitude not exceeding 14 years, and not less than 5 years; or imprisonment not exceeding 2 years, with or without H.L. and solitary confinement. |

\* Forgery may be committed of the will of a person who is alive, or the will of a person who never existed; nor will a probate (unrevoked) of the forged will be an answer to the charge.—(*Arch., Forg.*, p. 465.)

| Offence.                                                                                                                                                                                                                                                                                                                                                                                                                               | Statute.                                                        | Punishment.                                                                                                                                                       |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Forgery—continued.</b><br/>           Obliterating bankers' names, or crossings on cheques or drafts, or adding to, altering, uttering, &amp;c, same, knowingly, and with intent to defraud.</p>                                                                                                                                                                                                                                 | <p>24 &amp; 25 Vic. c. 98, s. 25. (27 &amp; 28 Vic. c. 47.)</p> | <p>Felony; penal servitude for life, or not less than 5 years; or imprisonment not exceeding 2 years, with or without H. L. and solitary confinement.</p>         |
| <p><i>Debentures.</i>—Forging, altering, uttering debentures issued under lawful authority in her Majesty's dominions or elsewhere.</p>                                                                                                                                                                                                                                                                                                | <p>s. 26.</p>                                                   | <p>Felony; penal servitude not exceeding 14, and not less than 5 years, or imprisonment not exceeding 2 years, with or without H.L. and solitary confinement.</p> |
| <p><i>Records of Courts, &amp;c.</i>—Forging, altering, uttering, knowingly, records, writs, returns, panel, process, rule, order, warrant, interrogatory, deposition, affidavit, affirmation, recognizance, cognovit actionem, warrant of attorney or any original document of Courts of Record or Proceedings of Courts of Equity or Admiralty, or copies of documents to be used as evidence.</p>                                   | <p>s. 27.</p>                                                   | <p>Felony; penal servitude not exceeding 7, nor less than 5 years; or imprisonment not exceeding 2 years, with or without H.L. and solitary confinement.</p>      |
| <p>Clerk or officer uttering false copies or certificates of records knowingly; persons, other than officers, &amp;c., signing as such officer; and any person forging or altering, or knowingly uttering forged copies or certificates of records; forging seals of Courts of Record, or forging processes of any other Courts than those in section before mentioned, serving or enforcing forged process, or acting thereunder.</p> | <p>s. 28.</p>                                                   | <p>Felony; like punishment.</p>                                                                                                                                   |
| <p>Forging or uttering, &amp;c., knowingly, instruments made evidence by statute.</p>                                                                                                                                                                                                                                                                                                                                                  | <p>s. 29.</p>                                                   | <p>Felony; like punishment.</p>                                                                                                                                   |
| <p><i>Court Rolls.</i>—Forging, altering, uttering, &amp;c., knowingly, with intent to defraud.</p>                                                                                                                                                                                                                                                                                                                                    | <p>s. 30.</p>                                                   | <p>Felony; penal servitude for life, or not less than 5 years; or imprisonment not exceeding 2 years, with or without H. L. and solitary confinement.</p>         |

| Offence.                                                                                                                                                                                                                                                                                               | Statute.                                                        | Punishment.                                                                                                                                                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><i>Forgery—continued.</i><br/> <i>Registers of Deeds, &amp;c.</i>—Forging, altering, uttering, &amp;c., knowingly, forged or fraudulently altered memorial, affidavit, &amp;c., or writing made or issued under Acts relating to registry of deeds, seals, stamps, or names of persons, &amp;c.</p> | <p>24 &amp; 25 Vic. c. 98, s. 31. (27 &amp; 28 Vic. c. 47.)</p> | <p>Felony; penal servitude not exceeding 14 years, nor less than 5; or imprisonment not exceeding 2 years, with or without H. L. and solitary confinement.</p>       |
| <p><i>Orders, &amp;c., of Justices of the Peace.</i>—With intent to defraud, forging, altering, uttering, &amp;c., summons, conviction, order, warrant, recognition, examination, deposition, affidavit, affirmation, solemn declaration.</p>                                                          | <p>s. 82.</p>                                                   | <p>Felony; penal servitude for 5 years; or imprisonment not exceeding 2 years, with or without H. L. and solitary confinement.</p>                                   |
| <p><i>Accountant-General, &amp;c.</i>—With intent to defraud, forging or altering, certificate, instrument, writing, &amp;c., of Accountant-General, officers of Courts of Chancery, Officers of Banks of England or Ireland, or their names, or uttering, &amp;c.</p>                                 | <p>s. 83.</p>                                                   | <p>Felony; penal servitude not exceeding 14 years, nor less than 5 years; or imprisonment not exceeding 2 years, with or without H. L. and solitary confinement.</p> |
| <p><i>Recognizances, &amp;c.</i>—Acknowledging, without lawful authority, recognizance, bail, cognovit, or instrument, &amp;c., in name of another.</p>                                                                                                                                                | <p>s. 84.</p>                                                   | <p>Felony; penal servitude not exceeding 7, nor less than 5 years; or imprisonment not exceeding 2 years, with or without H. L. and solitary confinement.</p>        |
| <p><i>Marriage Licences or Certificates.</i>—Forging, altering, &amp;c.</p>                                                                                                                                                                                                                            | <p>s. 85.</p>                                                   | <p>Like.</p>                                                                                                                                                         |
| <p><i>Forging Registers of Births, Marriages, Deaths, or Burials,</i> authorized or required by law, or certified copies thereof, inserting false entries, &amp;c., or giving false certificates, or certifying false copies, seals, &amp;c., or uttering.</p>                                         | <p>s. 86.</p>                                                   | <p>Felony; penal servitude for life, or not less than 5 years; or imprisonment not exceeding 2 years, with or without H. L. and solitary confinement.</p>            |
| <p>Knowingly and wilfully inserting false entries in copies of register required by law, relating to baptism, marriage, burial, certifying false copies, fraudulently destroying, removing, or concealing copies, &amp;c.</p>                                                                          | <p>s. 87.</p>                                                   | <p>Felony; penal servitude for life, or not less than 5 years; or imprisonment not exceeding 2 years, with or without H. L. and solitary confinement.</p>            |

\* Forging trade-marks, by addition or alteration—see 25 & 26 Vic., c. 88.

| Offence.                                                                                                                                                                                                                                                                                                  | Statute.                                         | Punishment.                                                                                                                                                  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Forgery—continued.</b>                                                                                                                                                                                                                                                                                 |                                                  |                                                                                                                                                              |
| <i>Demanding Property upon Forged Instruments.</i> —With intent to defraud, demanding, receiving, obtaining, or causing to be, &c., any chattel, money, or property, whatsoever, under or by virtue of any forged or altered instrument, letters of administration, &c., knowing will, &c., to be forged. | 24 & 25 Vic. c. 98, s. 38. (27 & 28 Vic. c. 47). | Felony; penal servitude not exceeding 14 years nor less than 5 years; or imprisonment not exceeding 2 years, with or without H. L. and solitary confinement. |
| <i>Other matters.</i> —Forging, altering, or uttering, knowingly, any instrument or writing, however designated, which shall be in law a will, deed, bond, bill, note, &c.                                                                                                                                | s. 39.                                           | May be indicted as an offender against this Act, and punished accordingly.                                                                                   |
| Forging in England or Ireland, documents purporting to be made out of England and Ireland. Forging, &c., in England or Ireland, bills of exchange, &c., purporting to be payable out of England or Ireland.                                                                                               | s. 40.                                           | Shall be deemed an offender against this Act, and punishable as if the money were payable in England or Ireland.                                             |
| Forgers, &c., may be tried in the county where they are apprehended, or in custody.                                                                                                                                                                                                                       | s. 41.                                           | —                                                                                                                                                            |
| In indictment, instruments may be described under the name usually known by.                                                                                                                                                                                                                              | s. 42.                                           | —                                                                                                                                                            |
| So in indictments for engraving,                                                                                                                                                                                                                                                                          | s. 43.                                           | —                                                                                                                                                            |
| Intent to defraud particular persons, need not be alleged or proved.                                                                                                                                                                                                                                      | s. 44.                                           | —                                                                                                                                                            |
| <i>Criminal Possession</i> shall mean personal custody or possession, or knowingly in actual custody or possession of another, or knowingly in any place, &c., and whether for own use or that of another.                                                                                                | s. 45.                                           | —                                                                                                                                                            |
| <i>Search Warrant.</i> —On information on oath, Justice may grant warrant to search for paper and implements employed in forgery and for forged instruments.                                                                                                                                              | s. 46.                                           | —                                                                                                                                                            |
| Punishments substituted for those of 5 Eliz., c. 14, which have been adopted in other Acts.                                                                                                                                                                                                               | s. 47.                                           | —                                                                                                                                                            |



| Offence.                                                                                                                                                              | Statute.                                         | Punishment.                                                                                                                                   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Forgery—continued.</b><br>All forgeries which were capital before the 1 Wm. iv., c. 66, and are not otherwise punishable under this Act, shall be punishable with— | 24 & 25 Vic. c. 98, s. 48. (27 & 28 Vic. c. 47.) | Penal servitude for life or for not less than 5 years; or imprisonment not exceeding 2 years, with or without H.L., and solitary confinement. |
| <i>Principals, &amp;c.</i> —In felony, principals in second degree, and every accessory before the fact—                                                              | s. 49.                                           | Punishable as principal in first degree.                                                                                                      |
| Accessory after the fact to felony,                                                                                                                                   | „                                                | Imprisonment not exceeding 2 years, with or without H. L., and solitary confinement.                                                          |
| Aiders and abettors in misdemeanors,                                                                                                                                  | „                                                | Punishable as principal offender.                                                                                                             |
| Solitary confinement, when awarded,                                                                                                                                   | s. 53.                                           | Not to exceed a month at a time, and not to exceed 8 months in a year.                                                                        |
| <b>Frauds (by Bankers, Agents, &amp;c.)—</b><br>See “Larceny.”                                                                                                        |                                                  |                                                                                                                                               |
| <b>Furious Driving (bodily harm by)—</b><br>See “Offences against the Person.”                                                                                        |                                                  |                                                                                                                                               |
| <b>Furze (setting fire to)—</b><br>See “Malicious Injuries.”                                                                                                          |                                                  |                                                                                                                                               |
| <b>Game—</b><br>See Summary Index; title, “Game.”                                                                                                                     |                                                  |                                                                                                                                               |
| <b>Gaming Houses—</b><br>See Summary Index; title, “Gaming Houses.”                                                                                                   |                                                  |                                                                                                                                               |
| <b>Garden—</b><br>See “Larceny” and “Malicious Injuries.”                                                                                                             |                                                  |                                                                                                                                               |
| <b>Gunpowder (having)—</b><br>To commit offences—see “Malicious Injuries,” and “Offences against the Person.”                                                         |                                                  |                                                                                                                                               |

| Offence.                                                                                                                                                                                             | Statute.                                                                 | Punishment.                                                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|----------------------------------------------------------------------|
| <b>Habeas Corpus Act—*</b>                                                                                                                                                                           | 81 Ch. ii., c. 2.<br>21&22 Geo.iii.<br>c. 11.<br>56 Geo. iii.<br>c. 100. |                                                                      |
| <b>Harbouring—</b><br>Harbouring or concealing a felon in house, or affording him assistance in order to prevent his apprehension, trial, or punishment, or employing another person to harbour him. | —                                                                        | Such person thereby becomes an accessory after the fact to a felony. |
| <b>Hard Labour—</b><br>Offenders may be sentenced to, in certain misdemeanors.†                                                                                                                      | 14 & 15 Vic.<br>c. 100, s. 29.                                           | —                                                                    |

\* *Habeas Corpus Act.*—This celebrated statute did not introduce any new principle, but only confirmed and rendered more available a remedy which had long existed. The Great Charter had provided against arbitrary imprisonment, and the petition of right renewed and extended the principle; but some provisions were still wanting to render it complete, and prevent all evasion or delay from ministers and judges. By the Act of *Habeas Corpus* it is prohibited to send any one to prison beyond the sea, no judge, under severe penalties, must refuse to any prisoner a Writ of *Habeas Corpus*, by which the gaoler is directed to produce in court the body of the prisoner (whence the Writ had its name), and to certify the cause of his detainer and imprisonment. Every prisoner must be indicted the first term after his commitment, and brought to trial in the subsequent term; and no man, after being enlarged by order of court, can be recommitment for the same offence. The Writ appears to have been framed in conformity with one of the essential clauses of Magna Charta, which says: "No freeman shall be taken or imprisoned or be disseised of his freehold, or liberties or free customs, or be outlawed, or exiled, or any otherwise destroyed; nor will we pass upon him, nor send upon him, but by lawful judgment of his Peers or by the Law of the Land. We will sell to no man, we will not deny or delay to any man justice or right." These are the words of the 4th chap. of Henry III.'s Charter, which is the existing law. They differ only slightly from those in John's Charter. It is obvious, adds Mr. Hallam, "that these words interpreted by any honest court of law, convey an ample security for the two main rights of civil society. Whether courts of justice framed the Writ of *Habeas Corpus* in conformity to the spirit of this clause, or found it already in their register, it became from that era the right of every subject to demand it. That Writ rendered more actively remedial by the statute of Charles the 2nd, but founded upon the broad basis of Magna Charta, is the principal bulwark of English liberty, and if ever temporary circumstances, or the doubtful plea of political necessity, shall lead men to look on its denial with apathy, the most distinguishing characteristic of our constitution will be effaced."—*Hallam's Middle Ages*, vol. 2, c. 8.;

The Act has been suspended on many occasions, the last being by the 29 Vic. c. 1.

† 14 & 15 Vic. c. 100, s. 29.—"Whenever any person shall be convicted of any one of the offences following, as an indictable misdemeanor; that is to say, any cheat or fraud punishable at common law; any conspiracy to cheat or defraud, or to extort

| Offence.                                                                                                                                                                                     | Statute.    | Punishment.                                                                                   |
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| <b>Homicide—</b><br>See "Offences against the person."                                                                                                                                       |             |                                                                                               |
| <b>Horse—</b><br>Stealing—see "Larceny."<br>Injuries to—see "Malicious Injuries."                                                                                                            |             |                                                                                               |
| <b>House—</b><br>See "Larceny" and "Malicious Injuries."                                                                                                                                     |             |                                                                                               |
| <b>Importing (Counterfeit Coin)—</b><br>See "Coin."                                                                                                                                          |             |                                                                                               |
| <b>Indecency—</b><br>Public indecency, by exposing the naked person; bathing in an indecent manner near a highway; undressing on the beach where a man can be seen from neighbouring houses. | Common Law. | Misdemeanor, punishable by fine and imprisonment. See also Summary Index; "Indecent Conduct." |
| <b>Indecent Assault—</b><br>See "Offences against the person."                                                                                                                               |             |                                                                                               |
| <b>Infamous Crime—</b><br>Letter threatening to accuse of, with intent to extort—see "Larceny," &c.; also "Offences against the Person."                                                     |             |                                                                                               |
| <b>Infant—</b><br>Abandoning; exposing; concealing birth, &c.—see "Offences against the Person."                                                                                             |             |                                                                                               |
| <b>Infanticide—</b><br>See "Offences against the Person."<br>( <i>Homicide.</i> )                                                                                                            |             |                                                                                               |

money or goods, or falsely to accuse of any crime, or to obstruct, prevent, pervert, or defeat the course of public justice; any escape or rescue from lawful custody on a criminal charge; any public and indecent exposure of the person; any indecent assault, or any assault occasioning actual bodily harm; any attempt to have carnal knowledge of a child under 12 years of age; any public selling or exposing for public sale, or to public view, of any obscene book, print, picture, or other indecent exhibition; it shall be lawful for the Court to sentence the offender to be imprisoned for any term now warranted by law, and also to be kept to hard labour during the whole or any part of such term of imprisonment." But so much of this section as relates to an indecent assault, or any assault occasioning actual bodily harm, or attempt to have carnal knowledge of a child under twelve, repealed by 24 & 25 Vic., c. 95.

| Offence.                                                                                                                                                                                                                                                                                                                                                                        | Statute.                                                 | Punishment.                                                                                                                                                                      |
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| <b>Kidnapping</b> ( <i>stealing, carrying away, or secreting any person</i> ).                                                                                                                                                                                                                                                                                                  | Common Law.                                              | Fine and imprisonment.                                                                                                                                                           |
| <b>Larceny, and Offences of that nature*</b> —<br>(Under this head will be included all other criminal offences:— <i>Stealing, Robbery, Burglary, Embezzlement, Frauds, &amp;c., False Pretences, Receiving Stolen Property</i> ).                                                                                                                                              | 24 & 25 Vic.<br>c. 96.                                   | In cases wherein Magistrates exercise summary jurisdiction—see Summary Index; title, "Larceny."                                                                                  |
| <b>Larceny—continued.</b><br>Simple larceny after a previous conviction for felony, whether such conviction shall have taken place upon an indictment or under the provisions of 18 & 19 Vic., c. 126, shall be liable—<br>(This statute, 18 & 19 Vic., c. 126, called the Criminal Justice Act, enables Justices in Petty Sessions to try cases of larceny—see Summary Index.) | 24 & 25 Vic.<br>c. 96, s. 7.<br>(27 & 28 Vic.<br>c. 47.) | Penal servitude not exceeding 10 years, and not less than 5; or imprisonment not exceeding 2 years, with or without H.L. and solitary confinement. Male under 16 may be whipped. |

\* *Property*.—Shall include every description of real and personal property, money, debts, and legacies, and all deeds and instruments evidencing title, &c.—Sec. 1.

*Night*.—Shall be deemed to commence at nine o'clock, P.M., and to conclude at six o'clock, A.M., on the succeeding day.—Sec. 1.

*Larceny generally*.—Every larceny, whatever be the value of the property stolen, shall be deemed to be of the same nature, and shall be subject to the same incidents in all respects as grand larceny was before 21st June, 1827.—Sec. 2.

*Bailee*.—Whosoever being a bailee of any chattel, money, or valuable security, shall fraudulently take or convert the same to his own use, or the use of any person other than the owner thereof, although he shall not break bulk or otherwise determine the bailment, shall be guilty of larceny, and may be convicted thereof upon an indictment for larceny; but this section shall not extend to any offence punishable on summary conviction.—Sec. 3.

*Punishment generally*.—"Whosoever shall be convicted of simple larceny, or of any felony hereby made punishable like simple larceny, shall (except in the cases herein-after otherwise provided for), be liable, at the discretion of the Court, to be kept in penal servitude for the term of three (now five) years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement; and if a male, under the age of 16 years, with or without whipping."—Sec. 4.

*Indictment*.—"It shall be lawful to insert several counts in the same indictment against the same person for any number of distinct acts of stealing, not exceeding three, which may have been committed by him against the same person within the space of six months from the first to the last of such acts, and to proceed thereon for all or any of them."—Sec. 5. (It is the same in embezzlement—see sec. 71.)

| Offence.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Statute.                                                       | Punishment.                                                                                                                                                                                        |
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| <p><b>Larceny—continued.</b><br/>Simple larceny, or any offence so punishable, after a previous conviction of any indictable misdemeanor under this Act.</p>                                                                                                                                                                                                                                                                                                                                                                                                   | <p>24 &amp; 25 Vic. c. 96, s. 8. (27 &amp; 28 Vic. c. 47.)</p> | <p>Penal servitude not exceeding 7 years, and not less than 5 years; or imprisonment not exceeding 2 years, with or without H.L. and solitary confinement; and male under 16 may be whipped.</p>   |
| <p>Simple larceny, or any offence hereby so punishable, after being twice summarily convicted of any of the offences punishable upon summary conviction under 7 &amp; 8 Geo. iv., c. 29 and 30; 9 Geo. iv., c. 55 and 56; 10 &amp; 11 Vic., c. 82; 11 &amp; 12 Vic., c. 59; or in sections 3, 4, 5, &amp; 6 of 14 &amp; 15 Vic., c. 92; or under this Act, or the Malicious Injuries Act, c. 97, whether or not each of the convictions shall be in respect to an offence of the same description, or whether the convictions be before or after this Act.</p> | <p>s. 9.</p>                                                   | <p>Felony; penal servitude not exceeding 7, and not less than 5 years; or imprisonment not exceeding 2 years, with or without H.L. and solitary confinement; and male under 16 may be whipped.</p> |
| <p><i>Larceny of Animals.</i>—Stealing any horse, mare, gelding, colt, or filly; or any bull, cow, ox, heifer, or calf; or any ram, ewe, sheep, or lamb.</p>                                                                                                                                                                                                                                                                                                                                                                                                   | <p>s. 10.</p>                                                  | <p>Felony; penal servitude not exceeding 14, and not less than 5 years; or imprisonment not exceeding 2 years, with or without H.L. and solitary confinement.</p>                                  |
| <p>Wilfully killing any animal with intent to steal the carcase, skin, or any part of the animal so killed.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                | <p>s. 11.</p>                                                  | <p>Felony, punishable as for stealing, provided the stealing of the animal so killed would have amounted to felony.</p>                                                                            |
| <p>Whosoever shall unlawfully and wilfully course, hunt, snare, or carry away, or kill or wound, or attempt to kill or wound, any deer kept or being in the unenclosed part of any forest, chase, or purlieu—</p>                                                                                                                                                                                                                                                                                                                                              | <p>s. 12.</p>                                                  | <p>Triable summarily. See Summary Index; title, "Larceny."</p>                                                                                                                                     |
| <p><i>Second offence</i> as above enumerated, and whether of same description as the first or not—</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <p>„</p>                                                       | <p>Felony; imprisonment not exceeding 2 years, with or without H.L., and solitary confinement. Male under 16 may be whipped.</p>                                                                   |

| Offence.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Statute.                                                                                                                                                                                       | Punishment.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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| <p><b>Larceny—continued.</b></p> <p>Whoever shall unlawfully and wilfully course, hunt, snare, or carry away, or kill or wound, or attempt, &amp;c., any deer kept or being in the enclosed part of any forest, chase, or purlieu, or in any enclosed land where deer shall be usually kept—</p> <p>Suspected persons in possession of venison, &amp;c., or snare or engine, &amp;c.</p> <p>Setting engines for taking deer, or pulling down fences.</p> <p>Deer-keepers may seize the guns, dogs, &amp;c., of offenders; and for beating or wounding any person who may be intrusted with the care of deer, or his assistants—</p> <p>Killing hares or rabbits in a warren between expiration of first hour after sunset and beginning of last hour before sunrise, whether enclosed or not.</p> <p>Killing at other times, . . . .</p> <p>Whosoever shall steal any dog, . . . .</p> <p><i>Second Offence,</i> . . . .</p> <p>Corruptly taking money or reward, directly or indirectly, under the pretence of aiding in the recovery of stolen dog.</p> <p>Stealing beasts or birds ordinarily kept in a state of confinement, &amp;c.</p> <p><i>Fish.</i>—Unlawfully and wilfully taking and destroying any fish in any water which shall run through or be in any land adjoining or belonging to the dwelling-house of any person being the owner of such water, or having a right of fishery therein.</p> <p>Stealing any oysters or oyster-brood from any oyster-bed, laying, or fishery, being the property of any other person, and sufficiently marked out or known as such.</p> | <p>24 &amp; 25 Vic. c. 96, s. 13.</p> <p>s. 14.</p> <p>s. 15.</p> <p>s. 16.</p> <p>s. 17.</p> <p>"</p> <p>s. 18.</p> <p>"</p> <p>s. 20.</p> <p>ss. 21, 22, 23.</p> <p>s. 24.</p> <p>s. 26.</p> | <p>Like punishment as last preceding.</p> <p>Summary Index; title, "Larceny."</p> <p>Summary Index; title, "Larceny."</p> <p>Felony; imprisonment not exceeding 2 years, with or without H.L., and solitary confinement; and male under 16 may be whipped.</p> <p>Misdemeanor.</p> <p>See Summary Index; title, "Larceny."</p> <p>See Summary Index; title "Larceny."</p> <p>Misdemeanor.</p> <p>Misdemeanor; imprisonment not exceeding 18 months, with or without H.L.</p> <p>See Summary Index; title, "Larceny."</p> <p>Misdemeanor; and see also Summary Index; title, "Larceny."</p> <p>Felony; punishable as simple larceny.</p> |

| Offence.                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Statute.                                                        | Punishment.                                                                                                                                                                                |
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| <p><i>Larceny—continued.</i><br/>           Unlawfully and wilfully dredging for, &amp;c., although none be actually taken.<br/>           Not to prevent the taking of floating fish.</p>                                                                                                                                                                                                                                                                      |                                                                 | <p>Misdemeanor; imprisonment not exceeding 3 months, with or without H. L., and solitary confinement.</p>                                                                                  |
| <p><i>Larceny of Written Instruments.</i>—<br/>           Stealing, or, for a fraudulent purpose, destroying, &amp;c., any valuable security, other than a document of title to lands.</p>                                                                                                                                                                                                                                                                      | <p>24 &amp; 25 Vic. c. 96, s. 27. (27 &amp; 28 Vic. c. 47.)</p> | <p>Felony; punishable as if the property or money thereby represented or secured were stolen.</p>                                                                                          |
| <p>Stealing, or, for a fraudulent purpose, destroying, &amp;c., or concealing the whole or part of document of title to lands.</p>                                                                                                                                                                                                                                                                                                                              | <p>s. 28.</p>                                                   | <p>Felony; penal servitude 5 years; or imprisonment not exceeding 2 years, with or without H. L. and solitary conf.</p>                                                                    |
| <p>Stealing, or, for fraudulent purpose, destroying, cancelling, &amp;c.; or concealing the whole or part of any will or codicil, or testamentary writing, during testator's life or after his death.</p>                                                                                                                                                                                                                                                       | <p>s. 29.</p>                                                   | <p>Penal servitude for life, or for not less than 5 years; or imprisonment not exceeding 2 years, with or without H. L. and solitary confinement; and not to take away other remedies.</p> |
| <p>Stealing, &amp;c., writs, documents, or proceedings on suits depending or terminated, &amp;c.; or from public offices or departments.</p>                                                                                                                                                                                                                                                                                                                    | <p>s. 30.</p>                                                   | <p>Felony; penal servitude 5 years; or imprisonment not exceeding 2 years, with or without H. L. and solitary confinement.</p>                                                             |
| <p><i>Larceny of things attached to Land.</i>—<br/>           Stealing, ripping, breaking with intent to steal, any glass, woodwork belonging to any building; lead, iron, copper, brass, utensils or fixtures fixed in any building; or any thing made of metal fixed in any land, being private property; or for a fence to any dwelling-house, garden, or area, square or street, or place dedicated to public use or ornament, or in any burial ground.</p> | <p>s. 31.</p>                                                   | <p>Felony; punishable as in simple larceny.</p>                                                                                                                                            |
| <p><i>Trees.</i>—Stealing or damaging, with intent to steal, any tree, sapling, shrub, underwood, growing in park, pleasure-ground, orchard, garden, avenue, or ground adjoining or belonging to dwelling-house (if the value or injury done exceed £1).</p>                                                                                                                                                                                                    | <p>s. 32.</p>                                                   | <p>Felony, punishable as simple larceny.</p>                                                                                                                                               |
| <p>If growing elsewhere, and the value or injury exceed £5.</p>                                                                                                                                                                                                                                                                                                                                                                                                 | <p>„</p>                                                        | <p>Like.</p>                                                                                                                                                                               |

| Offence.                                                                                                                                                                                                                                                                                                                            | Statute.                           | Punishment.                                                                                                                                                                                                |
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| <b>Larceny—continued.</b>                                                                                                                                                                                                                                                                                                           |                                    |                                                                                                                                                                                                            |
| Trees, &c., wheresoever growing, .                                                                                                                                                                                                                                                                                                  | 24 & 25 Vic.<br>c. 100, s. 33.     | See Summary Index;<br>title, "Larceny."                                                                                                                                                                    |
| Stealing fence, stile, or gate, . . .                                                                                                                                                                                                                                                                                               | s. 34.                             | Like.                                                                                                                                                                                                      |
| Stealing fruit or vegetables, . . .                                                                                                                                                                                                                                                                                                 | ss. 36 & 37.                       | Like.                                                                                                                                                                                                      |
| <i>Larceny from Mines.</i> —Stealing, or severing with intent to steal, the ore of any metal, lapis calaminaris, manganese, or mundic; or any wad, black cank, black lead, coal, or cannel coal, from any mine, &c.                                                                                                                 | s. 38.                             | Felony; imprisonment not exceeding 2 years, with or without H. L., and solitary confinement.                                                                                                               |
| Miners removing ore, with intent to defraud.                                                                                                                                                                                                                                                                                        | s. 39.                             | Like.                                                                                                                                                                                                      |
| <i>Larceny from the Person</i> —Whosoever shall rob any person, or shall steal any chattel, money, or valuable security from the person of another.*                                                                                                                                                                                | s. 40.<br>(27 & 28 Vic.<br>c. 47.) | Felony; penal servitude not exceeding 14, and not less than 5 years; or imprisonment not exceeding 2 years, with or without H. L. and solitary confinement.                                                |
| On trial for robbery, the jury may convict of an assault with intent to rob.                                                                                                                                                                                                                                                        | s. 41.                             | —                                                                                                                                                                                                          |
| Whosoever shall assault any person with intent to rob.                                                                                                                                                                                                                                                                              | s. 42.                             | Felony: (save where greater punishment provided by this Act), penal servitude 5 years; or imprisonment not exceeding 2 years, with or without H. L. and solitary confinement.                              |
| Whosoever shall, being armed with any offensive weapon, rob, or assault with intent to rob, any person; or, together with one or more others, rob, or assault with intent to rob, any person; or shall rob any person, and at the time, or immediately before or after, shall beat, wound, &c., or use any other personal violence. | s. 43,                             | Felony; penal servitude for life, or not less than 5 years; or imprisonment not exceeding 2 years, with or without H. L., and solitary confinement, and male offender may be whipped, 26 & 27 Vic. c. 44.† |

\* Actual force is not essentially necessary to constitute robbery; if, by the use of threats, by words or gestures sufficient to overcome a mind of ordinary firmness, a man be induced to part with his property to another who has no pretence or claim of right to it, it is as much a robbery as if it had been obtained by actual violence.—(*Fost.*, 128; *Arch.*, p. 216.)

† The 26 & 27 Vic., c. 44, adds whipping in, above case, and also for offences



| Offence.                                                                                                                                                                                                                                                                                                                                                                                                                  | Statute.                                         | Punishment.                                                                                                                                                                      |
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| <b>Larceny—continued.</b>                                                                                                                                                                                                                                                                                                                                                                                                 |                                                  |                                                                                                                                                                                  |
| Sending, delivering, uttering, or directly or indirectly causing to be received, knowing the contents, any letter or writing, demanding with menaces and without probable cause, any property, money, or security, &c.                                                                                                                                                                                                    | 24 & 25 Vic. c. 96, s. 44. (27 & 28 Vic. c. 47.) | Felony; penal servitude for life, or not less than 5 years; or imprisonment not exceeding 2 years, with or without H. L. and solitary confinement.                               |
| With menaces or by force demanding any property, money, &c., with intent to steal the same.                                                                                                                                                                                                                                                                                                                               | a. 45.                                           | Felony; penal servitude 5 years, or imprisonment not exceeding 2 years, with or without H. L. and solitary confinement.                                                          |
| Sending, or directly or indirectly causing to be received, letter accusing or threatening to accuse of any crime punishable with death, or penal servitude not less than seven years: or assault with intent to, or attempt to commit rape; or with <i>infamous</i> crime, with intent to extort.<br>(Infamous crime, by the section, means Sodomy or bestiality).                                                        | a. 46.                                           | Felony; penal servitude for life, or not less than 5 years; or imprisonment not exceeding 2 years, with or without H. L. and solitary confinement. Male under 16 may be whipped. |
| Accusing, or threatening to accuse, either the person to whom accusation or threat made or any other, of any of the infamous or other crimes in preceding section mentioned, with the view or intent to extort from person accused, or any other, any money or valuable thing, &c.                                                                                                                                        | a. 47.                                           | Felony; penal servitude for life, or not less than 5 years; or imprisonment not exceeding 2 years, with or without H. L. Male under 16 may be whipped.                           |
| With intent to defraud or injure any person, by unlawful violence or restraint, threat of, &c., accusing, or threatening to accuse, any person of treason, felony, or infamous crime (as before defined); compelling or inducing any person to execute, accept, indorse, alter, or destroy deeds, securities, &c.<br>(Immaterial whether the threats be of injury &c., to be caused by offender himself or by any other). | a. 48.                                           | Felony; penal servitude for life, or not less than 5 years; or imprisonment not exceeding 2 years, with or without H. L. and solitary confinement.                               |

against the 23 sec. of the 24 & 25 Vic., c. 100, ("Offences against the Person" Act.) See title "Offences against the Person," where the Whipping Act is given at foot.

| Offence.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Statute.                                                                                                                                                          | Punishment.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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| <p><b>Larceny—continued.</b><br/> <i>Sacrilege, Burglary, and Housebreaking</i>—Breaking and entering place of <i>Divine Worship</i>, and committing felony therein; or being therein, committing felony and breaking out.</p> <p>Whosoever shall enter the dwelling-house of another with intent to commit any felony therein, or being therein shall commit a felony therein, and shall in either case break out in the night—</p> <p>And whosoever shall be convicted of the crime of <i>burglary</i> shall be liable to—</p> <p>Building within the same curtilage, not to be deemed part of dwelling-house unless communicating therewith.</p> <p>Entering dwelling-house at night, with intent to commit any felony therein.</p> <p>Breaking into building within the curtilage, although not part thereof, according to provision of this Act (as in sec. 53); or being in such building, shall commit any felony therein, and break out of the same.</p> <p>Breaking and entering dwelling-house, school-house, shop, warehouse, or counting-house, committing felony therein, and breaking out of same.</p> <p>Breaking and entering dwelling-house, or house or place of <i>Divine Worship</i>, building within the curtilage, school-house, shop, warehouse, or counting-house, with intent to commit felony therein.</p> | <p>24 &amp; 25 Vic. c. 96, s. 50. (27 &amp; 28 Vic. c. 47.)</p> <p>s. 51.</p> <p>s. 52.</p> <p>s. 53.</p> <p>s. 54.</p> <p>s. 55.</p> <p>s. 56.</p> <p>s. 57.</p> | <p>Felony; penal serv. for life, or not less than 5 years; or imp. not exceeding 2 years, with or without H.L., and solitary confinement.</p> <p>Shall be deemed burglary.</p> <p>Penal servitude for life, or not less than 5 years; or imprisonment not exceeding 2 years, with or without H.L. and sol. conf.</p> <p>—</p> <p>Felony; penal servitude not exceeding 7, and not less than 5 years; or imp. not exceeding 2 years, with or without H.L. and sol. conf.</p> <p>Felony; penal servitude not exceeding 14, and not less than 5 years; or imprisonment not exceeding 2 years, with or without H.L.</p> <p>Felony; penal servitude not exceeding 14 years, and not less than 5 years; or imprisonment not exceeding 2 years, with or without H. L. and solitary confinement.</p> <p>Felony; penal servitude not exceeding 7, and not less than 5 years; or imprisonment not exceeding 2 years, with or without H.L. solitary confinement.</p> |

| Offence.                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Statute.                                                        | Punishment.                                                                                                                                                       |
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| <p><b>Larceny—continued.</b><br/>           Found by night armed with dangerous or offensive weapon with intent to break or enter dwelling-house or other building, and to commit felony therein; or having in possession, without lawful excuse, any implement of housebreaking; or face blackened or disguised, or found in dwelling-house or building with intent to commit felony.<br/>           The like, after such previous conviction, or a conviction for felony.</p> | <p>24 &amp; 25 Vic. c. 96, s. 58. (27 &amp; 28 Vic. c. 47.)</p> | <p>Misdemeanor; penal servitude, 5 years; or imprisonment not exceeding 2 years, with or without H.L.</p>                                                         |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | s. 59.                                                          | Pen. serv. not exceeding 10, and not less than 5 years; or imp. not exceeding 2 years, with or without H.L.*                                                      |
| <p><i>Larceny in the House.</i>—Stealing in any dwelling-house to the value in the whole of £5 or more.</p>                                                                                                                                                                                                                                                                                                                                                                     | s. 60.                                                          | Felony; penal servitude not exceeding 14, and not less than 5 years; or imp. not exceeding 2 years, with or without H.L. and sol. conf.                           |
| <p>Stealing in any dwelling-house, and by menace or threat, putting any one being therein in bodily fear.</p>                                                                                                                                                                                                                                                                                                                                                                   | s. 61.                                                          | Felony; like punishment as last preceding.                                                                                                                        |
| <p>Stealing to the value of 10s. woollen linen, hempen, or cotton yarn, or articles of silk, woollen, linen, cotton, alpaca, or mohair, or of these materials mixed, while in progress of manufacture, in building, field, or other place.</p>                                                                                                                                                                                                                                  | s. 62.                                                          | Like.                                                                                                                                                             |
| <p><i>Larceny from Ships, Wharfs, &amp;c.</i>—Stealing goods in vessel or boat, in haven or port, river or canal, &amp;c., or from docks, wharfs, or quays adjacent.</p>                                                                                                                                                                                                                                                                                                        | s. 63.                                                          | Like.                                                                                                                                                             |
| <p>Plundering or stealing from ship in distress, or wrecked.</p>                                                                                                                                                                                                                                                                                                                                                                                                                | s. 64.                                                          | Like.                                                                                                                                                             |
| <p>Having possession of shipwrecked goods, or offering for sale, &amp;c.</p>                                                                                                                                                                                                                                                                                                                                                                                                    | ss. 65, 66.                                                     | See Summary Index; title, "Larceny."                                                                                                                              |
| <p><i>Larceny or Embezzlement by Clerks, Servants, or Persons in the Public Service.</i>—Clerk or servant stealing chattel, money, or valuable security belonging to or in possession or power of his master or employer.</p>                                                                                                                                                                                                                                                   | s. 67.                                                          | Felony; penal serv. not exceeding 14, and not less than 5 years; or imp. not exceeding 2 years, with or without H.L. and sol. conf. Male under 16 may be whipped. |

\* If the previous conviction shall have been for *felony*, the sentence of penal servitude not to be less than 7 years, 27 & 28 Vic., c. 47.

| Offence.                                                                                                                                                                                                                                                | Statute.                                         | Punishment.                                                                                                                                                              |
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| <b>Larceny—continued.</b>                                                                                                                                                                                                                               |                                                  |                                                                                                                                                                          |
| Clerk or servant embezzling chattel, money, or security, received into his possession for account of his master, &c., shall be deemed to have feloniously stolen same, although not otherwise received into master's possession than by such clerk, &c. | 24 & 25 Vic. c. 96, s. 68. (27 & 28 Vic. c. 47.) | Penal servitude not exceeding 14, and not less than 5 years; or imp. not exceeding 2 years, with or without H.L. and solitary confinement. Male under 16 may be whipped. |
| Person employed in the public service of Her Majesty, Constabulary, or Police, stealing chattels or moneys belonging to or in possession or power of Her Majesty, or in possession of such person by virtue of his employment.                          | s. 69.                                           | Felony; penal servitude not exceeding 14, and not less than 5 years; or imprisonment not exceeding 2 years, with or without H.L. and solitary conf.                      |
| Person in Queen's service, Constabulary, or Police, embezzling any money or property received by virtue of his employment, or fraudulently disposing of same, shall be deemed to have feloniously stolen same.                                          | s. 70.                                           | Penal servitude not exceeding 14, and not less than 5 years; or imprisonment not exceeding 2 years, with or without H.L.                                                 |
| Offender may be dealt with where apprehended or found, or where offence committed; property may be laid in Her Majesty.                                                                                                                                 |                                                  |                                                                                                                                                                          |
| Indictment may include three distinct acts within six months; particular coin, &c., need not be specified.                                                                                                                                              | s. 71.                                           | —                                                                                                                                                                        |
| If upon trial for <i>embezzlement</i> , it turn out to be <i>larceny</i> , defendant not to be acquitted, and <i>vice versa</i> .                                                                                                                       | s. 72.                                           | —                                                                                                                                                                        |
| Embezzlement by officers of the Bank of England or Ireland.                                                                                                                                                                                             | s. 73.                                           | Felony; penal servitude for life, or not less than 5 years; or imprisonment not exceeding 2 years, with or without H.L. and sol. conf.                                   |
| <i>Larceny by Tenants or Lodgers.</i> —Stealing chattel or fixture let to be used in or with house or lodging.                                                                                                                                          | s. 74.                                           | Felony; imprisonment not exceeding 2 years, with or without H. L. and solitary confinement; and male under 16 may be whipped.                                            |
| If the value exceed 5s., . . . .                                                                                                                                                                                                                        | "                                                | Penal servitude not exceeding 7 and not less than 5 years; or imprisonment as in last preceding.                                                                         |

| Offence.                                                                                                                                                                                                                                                                                                                                                                                | Statute.                        | Punishment.                                                                                                                                                                        |
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| <b>Larceny—continued.</b><br>Indictment may be in common form, as for larceny, &c.                                                                                                                                                                                                                                                                                                      | 24 & 25 Vic. c. 96, s. 74.      | —                                                                                                                                                                                  |
| <i>Frauds by Agents, Bankers, or Factors.</i> —Banker, merchant, broker, attorney, or agent, entrusted with money, or security for payment of money, with written directions for its application, otherwise and in violation of good faith converting and misapplying same; and so also as to stocks or funds, &c.<br>(Exceptions as to trustees, agents entitled or having liens, &c.) | s. 75.<br>(27 & 28 Vic. c. 47.) | Misdemeanor; penal servitude not exceeding 7, and not less than 5 years; or imprisonment not exceeding 2 years, with or without H.L. and solitary confinement. Triable at Assizes. |
| Banker, merchant, broker, attorney, or agent, entrusted with property for safe custody, with intent to defraud, selling or converting same to his own use, or otherwise than for the purpose intrusted.                                                                                                                                                                                 | s. 76.                          | Misdemeanor: punishable as in last preceding section. Triable at Assizes.                                                                                                          |
| Persons intrusted with power of attorney to sell or transfer property, fraudulently selling, converting, &c.                                                                                                                                                                                                                                                                            | s. 77.                          | Like.                                                                                                                                                                              |
| Factors or agents intrusted with goods, documents of title, &c., without authority getting advances thereon, &c., consigning or pledging same, &c.                                                                                                                                                                                                                                      | s. 78.                          | Like.                                                                                                                                                                              |
| Clerk or other person knowingly and wilfully assisting.                                                                                                                                                                                                                                                                                                                                 | „                               | Like.                                                                                                                                                                              |
| (Exception where advances do not exceed amount due to agent from his principal.)                                                                                                                                                                                                                                                                                                        |                                 |                                                                                                                                                                                    |
| Definition of terms under this head; see—                                                                                                                                                                                                                                                                                                                                               | s. 79.                          | —                                                                                                                                                                                  |
| Trustees fraudulently disposing of property—                                                                                                                                                                                                                                                                                                                                            | s. 80.                          | Like.                                                                                                                                                                              |
| Directors, members, or officers, of any corporate or public company, fraudulently appropriating property.                                                                                                                                                                                                                                                                               | s. 81.                          | Like.                                                                                                                                                                              |
| Or keeping fraudulent accounts, .                                                                                                                                                                                                                                                                                                                                                       | s. 82.                          | Like.                                                                                                                                                                              |
| Or wilfully destroying, falsifying, &c., books, papers, &c., making false entries, or omitting material ones.                                                                                                                                                                                                                                                                           | s. 83.                          | Like.                                                                                                                                                                              |
| Or publishing fraudulent statements or accounts, knowingly, and with intent to deceive shareholders, or to induce others to become shareholders.                                                                                                                                                                                                                                        | s. 84.                          | Like.                                                                                                                                                                              |

| Offence.                                                                                                                                                                                                                                                                            | Statute.                     | Punishment.                                                                                                                                                                                                                              |
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| <b>Larceny—continued.</b>                                                                                                                                                                                                                                                           |                              |                                                                                                                                                                                                                                          |
| Compulsory disclosures in suits at law or equity not to subject person making such to prosecution under last ten sections.                                                                                                                                                          | 24 & 25 Vic. c. 96, s. 85.   | —                                                                                                                                                                                                                                        |
| Nothing in last eleven sections to affect any remedy at law or in equity.                                                                                                                                                                                                           | s. 86.                       | —                                                                                                                                                                                                                                        |
| Misdemeanors against any of the last preceding twelve sections not to be tried at Quarter Sessions.                                                                                                                                                                                 | s. 87.                       | To be returned to Assizes.                                                                                                                                                                                                               |
| <i>False Pretences.</i> —By any false pretence obtaining from any person any chattel, money, or valuable security, with intent to defraud any person.                                                                                                                               | s. 88. (27 & 28 Vic. c. 47.) | Misdemeanor; penal servitude, 5 years; or imprisonment not exceeding 2 years, with or without H. L. and solitary confinement.                                                                                                            |
| (Not to be acquitted if offence proved to be larceny).                                                                                                                                                                                                                              |                              |                                                                                                                                                                                                                                          |
| By false pretence causing or procuring money or property to be paid or delivered to another for benefit of person making false pretence, and of any other person, with intent to defraud—                                                                                           | s. 89.                       | To be an offence within meaning of last preceding section.                                                                                                                                                                               |
| With intent to defraud by false pretences inducing persons to execute deeds; endorse, accept, or destroy securities, &c.                                                                                                                                                            | s. 90.                       | Misdemeanor; penal servitude, 5 years; or imprisonment not exceeding 2 years, with or without H. L. and solitary confinement.                                                                                                            |
| <i>Receiving Stolen Goods.</i> —Knowingly receiving any chattel, money, or property, &c., the taking or obtaining of which amounts to felony.                                                                                                                                       | s. 91.                       | Felony; (indictable as accessory after, &c., or for a substantive felony). Penal servitude not exceeding 14, and not less than 5 years; or imp. not exceeding 2 years, with or without H.L. and sol. conf. Male under 16 may be whipped. |
| Indictments for stealing or receiving may contain counts for both. Prosecutor need not elect. If several included, jury may find some guilty of stealing, and others of receiving. Several receivers may be included in same indictment, although principal felon not yet amenable. | s. 92.                       | —                                                                                                                                                                                                                                        |
| On such indictment, persons may be convicted of separately receiving.                                                                                                                                                                                                               | s. 93.                       | —                                                                                                                                                                                                                                        |
|                                                                                                                                                                                                                                                                                     | s. 94.                       | —                                                                                                                                                                                                                                        |

| Offence.                                                                                                                                                                                                                                                                                                                                    | Statute.                                                        | Punishment.                                                                                                                                                                      |
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| <p><b>Larceny—continued.</b><br/>           Knowingly receiving, &amp;c., where the taking, &amp;c., is a misdemeanor by this Act.<br/>           (And may be convicted, although the principal not amenable).</p>                                                                                                                          | <p>24 &amp; 25 Vic. c. 96, s. 95. (27 &amp; 28 Vic. c. 47.)</p> | <p>Misd.; penal servitude not exceeding 7, and not less than 5 years; or imp. not exceeding 2 years, with or without H.L. and solitary conf. Male under 16 may be whipped.</p>   |
| <p><i>Receiving Goods obtained by False Pretences.</i>—Receivers triable in any county where they may have had the property; or where the principal may be tried.<br/>           Receivers, where original offence is punishable on summary conviction.</p>                                                                                 | <p>s. 97.</p>                                                   | <p>Same punishment, &amp;c., to which person guilty of first, second, or subsequent offence of stealing is liable.</p>                                                           |
| <p>Principals in second degree, and accessories before fact, in felonies, punishable as principal in first degree.</p>                                                                                                                                                                                                                      | <p>s. 98.</p>                                                   | <p>—</p>                                                                                                                                                                         |
| <p>Accessory after the fact to any felony punishable under this Act (except receiver of stolen property.)</p>                                                                                                                                                                                                                               | <p>”</p>                                                        | <p>Imprisonment not exceeding 2 years, with or without H. L. and solitary confinement.</p>                                                                                       |
| <p>Aiding, abetting, counselling, or procuring commission of misdemeanor under this Act.</p>                                                                                                                                                                                                                                                | <p>”</p>                                                        | <p>Indicted and punished as principal.</p>                                                                                                                                       |
| <p>Abettors in offences punishable on summary conviction.</p>                                                                                                                                                                                                                                                                               | <p>s. 99.</p>                                                   | <p>Punishable as principals in cases of first, second, or subsequent offence.</p>                                                                                                |
| <p><i>Restitution of Stolen Property.</i>—The owner, on prosecuting thief or receiver to conviction by indictment—<br/>           (Exceptions.—Securities or negotiable instruments <i>bona fide</i> paid, taken, or received for consideration, without notice, or cause to suspect, &amp;c., Factors or agents intrusted with goods).</p> | <p>s. 100.</p>                                                  | <p>To have restitution of property.</p>                                                                                                                                          |
| <p>Corruptly taking reward, directly or indirectly, to help in restoring goods, &amp;c., by felony or misdemeanor stolen or obtained (unless due diligence used to bring offender to trial).</p>                                                                                                                                            | <p>s. 101.</p>                                                  | <p>Felony; penal servitude not exceeding 7, and not less than 5 years; or imp. not exceeding 2 years, with or without H. L. and solitary conf. Male under 16 may be whipped.</p> |

| Offence.                                                                                                                                                                                                             | Statute.                    | Punishment.                                                                                         |
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| <b>Larceny—continued.</b><br>Advertising reward for recovery of property stolen or lost, and stating that no questions will be asked, &c., &c. ; or to repay pawnbroker's money advanced.                            | 24 & 25 Vic. c. 96, s. 102. | Forfeit £50, and costs, recoverable by action of debt to person suing.                              |
| <i>Apprehension of Offenders</i> —Offenders punishable under this Act (except angling in day time), may be apprehended and brought before Justice.                                                                   | s. 103.                     | —                                                                                                   |
| Power to issue search-warrant,                                                                                                                                                                                       | "                           | Information to be on oath.                                                                          |
| Pawnbrokers required to apprehend offenders, &c.                                                                                                                                                                     | "                           | —                                                                                                   |
| Constables or peace officers may apprehend persons lying or loitering in any highway, yard, or other place during the night, and suspected of having committed or being about to commit any felony against this Act. | s. 104.                     | To take such person before a Justice of the Peace, to be dealt with according to law.               |
| <i>Summary Proceedings,</i> . . .                                                                                                                                                                                    | s. 105.                     | See Summary Index, "Larceny."                                                                       |
| <i>Other matters.</i> —Stealers of property in one part of United Kingdom having it in another may be tried in the latter.                                                                                           | s. 114.                     | —                                                                                                   |
| Offences committed within jurisdiction of Admiralty to be as if committed on land in England or Ireland.                                                                                                             | s. 115.                     | —                                                                                                   |
| Form of indictment for subsequent offence.                                                                                                                                                                           | s. 116.                     | —                                                                                                   |
| In indictable misdemeanors under this Act—                                                                                                                                                                           | s. 117.                     | Fine and sureties of the peace may be required in addition to, or in lieu of, any other punishment. |
| Solitary confinement, when ordered, not to exceed one month at a time, and not exceeding three months in the year.                                                                                                   | s. 119.                     | —                                                                                                   |
| In whipping, the Court shall specify the number of strokes and the instrument.                                                                                                                                       | "                           | —                                                                                                   |



| Offence.                                                                                                                                                                                                                                                                                                                     | Statute.                | Punishment.                                                                                                                                    |
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| <b>Letter—</b><br>Threatening to murder—see "Offences against the Person." Demanding money with menaces, and threatening to accuse of crime with intent to extort—see "Larceny," Threatening to destroy buildings—see "Malicious Injuries."                                                                                  |                         |                                                                                                                                                |
| <b>Libels—</b>                                                                                                                                                                                                                                                                                                               |                         |                                                                                                                                                |
| Blasphemies against God and the Christian religion, or the Holy Scriptures.                                                                                                                                                                                                                                                  | Common Law.             | Punishable by fine and imprisonment, or either.                                                                                                |
| Indecent libels, whether by writing or printing, or any sign which is indecent and contrary to public order.                                                                                                                                                                                                                 | "                       | Like.                                                                                                                                          |
| Libels on the Government, by using terms of obloquy or contumely, tending to alienate the affections of the people from the King and his Government, to weaken the ties of allegiance and loyalty, and to bring about sedition or revolution.                                                                                | "                       | Like.                                                                                                                                          |
| Upon the proceedings of Courts of Justice, by merely using declamation and invective, not to elucidate the truth, but to injure the character of individuals, and to bring the administration of justice into contempt, and ridicule.                                                                                        | "                       | Like.                                                                                                                                          |
| Libels upon individuals by malicious defamation expressed in writing or printing, and tending to blacken the memory of one that is dead, or the reputation of one that is alive, and expose him to hatred, contempt, or ridicule.                                                                                            | "                       | Misdemeanor; punishable by fine and imprisonment.                                                                                              |
| Publishing, or threatening to publish a libel, or directly or indirectly threatening to print or publish, or directly or indirectly proposing to abstain from printing or publishing, or to prevent the printing or publishing of matters, with intent to extort money, &c., or to procure appointment or office of profit.* | 6 & 7 Vic. c. 96, s. 3. | Misdemeanor; imprisonment not exceeding 3 years, with or without H. L. And see also threatening letter with intent to extort, title "Larceny." |

\* *Malice*.—Where a man publishes a writing, which upon the face of it is libellous, the law presumes that he does so with the malicious intention which constitutes the offence, and it will be for the accused to show the contrary.

| Offence.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Statute.                | Punishment.                                                                                           |
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| <b>Libels—continued.</b><br>Maliciously publishing any defamatory libel, knowing same to be false.                                                                                                                                                                                                                                                                                                                                                                                                                | 6 & 7 Vic. c. 96, s. 4. | To pay such fine as the Court shall award, and also imprisonment not exceeding 2 years.               |
| Maliciously publishing any defamatory libel.                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | s. 5.                   | Fine or imprisonment or both; imprisonment not to exceed 1 year.                                      |
| <b>Lights—</b><br>Exhibiting false lights to ships, &c.—see “Malicious Injuries.”                                                                                                                                                                                                                                                                                                                                                                                                                                 |                         |                                                                                                       |
| <b>Lime—</b><br>Putting in fish-ponds—see “Malicious Injuries.”                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                         |                                                                                                       |
| <b>Linen (in Course of Manufacture)—</b><br>Damaging—see “Malicious Injuries.”                                                                                                                                                                                                                                                                                                                                                                                                                                    | —                       | And see Summary Index; title, “Linen Acts.”                                                           |
| <b>Lodgers (Larceny by)—</b><br>See “Larceny.”                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                         |                                                                                                       |
| <b>Loom (damaging or destroying)—</b><br>See “Malicious Injuries.”                                                                                                                                                                                                                                                                                                                                                                                                                                                |                         |                                                                                                       |
| <b>Lunatics—</b><br>Dangerous Lunatics, . . . .                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | —                       | See Summary Index; title, “Lunatics” and “Appendix.”                                                  |
| <b>Machinery—</b><br>See “Malicious Injuries.”                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                         |                                                                                                       |
| <b>Maintenance—</b><br>Unlawfully taking in hands or upholding of quarrels or sides, to the disturbance or hindrance of common right, and not having in the suit any certain or contingent interest. (Exceptions to justify, &c.:—Interest in the suit; master for his servant; affinity; poverty—it being lawful to give money to a poor man to enable him to sue; Counsel and Attorneys).<br>Champerty is a bargain to divide the matter sued for; and the champertor to carry on the suit.— <i>Black. Com.</i> | Common Law.             | Punishable by fine and imprisonment.<br>There are various old statutes declaratory of the Common Law. |

| Offence.                                                                                                                                                                                                       | Statute.                                                           | Punishment.                                                                                                                                                                                            |
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| <p><b>Maiming (cattle)</b>—<br/>See "Malicious Injuries."</p>                                                                                                                                                  |                                                                    |                                                                                                                                                                                                        |
| <p><b>Malicious Injuries</b>—<br/><i>To Buildings by Fire</i>—Unlawfully and maliciously setting fire to any church, chapel, meeting-house, or other place of divine worship.</p>                              | <p>24 &amp; 25 Vic. c. 97, s. 1.<br/>(27 &amp; 28 Vic. c. 47.)</p> | <p>Felony; penal servitude for life, or not less than 5 years; or imprisonment not exceeding 2 years, with or without H. L. and sol. conf. Male under 16 may be whipped.</p>                           |
| <p>Unlawfully and maliciously setting fire to any house, any person being therein.</p>                                                                                                                         | <p>s. 2.</p>                                                       | <p>Felony; like punishment.</p>                                                                                                                                                                        |
| <p>Unlawfully and maliciously setting fire to any house, outhouse, &amp;c., manufactory, farm-building, &amp;c., whether in possession of offender or any other, with intent to injure or defraud.</p>         | <p>s. 3.</p>                                                       | <p>Felony; like punishment.</p>                                                                                                                                                                        |
| <p>Unlawfully and maliciously setting fire to any station, or building belonging to any railway, port, dock, or harbour, canal or navigation.</p>                                                              | <p>s. 4.</p>                                                       | <p>Felony; like punishment.</p>                                                                                                                                                                        |
| <p>Unlawfully and maliciously setting fire to any public building, other than those before mentioned, belonging to the Queen, county, borough, union, &amp;c., college, &amp;c.</p>                            | <p>s. 5.</p>                                                       | <p>Felony; like punishment.</p>                                                                                                                                                                        |
| <p>Setting fire to any building, other than such as are in this Act before mentioned.</p>                                                                                                                      | <p>s. 6.</p>                                                       | <p>Felony; penal servitude not exceeding 14 years; and not less than 5 years; or imprisonment not exceeding 2 years, with or without H. L. and solitary confinement. Male under 16 may be whipped.</p> |
| <p>Setting fire to any goods in a building under such circumstances that, if the building were set on fire, the offence would amount to felony.</p>                                                            | <p>s. 7.</p>                                                       | <p>Felony; like punishment.</p>                                                                                                                                                                        |
| <p>Unlawfully and maliciously, by any overt act, attempting to set fire to any building or any thing in the last section mentioned, under circumstances that, if set fire to, the offence would be felony.</p> | <p>s. 8.</p>                                                       | <p>Felony; like punishment.</p>                                                                                                                                                                        |

| Offence.                                                                                                                                                                                                                                                                                        | Statute.                                                       | Punishment.                                                                                                                                                                                                                         |
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| <p><b>Malicious Injuries—continued.</b><br/> <i>To Buildings by Explosive Substances.</i><br/>           —Unlawfully and maliciously, by explosion of gunpowder or other explosive substance, destroying dwelling-house, any person being therein, or any building whereby life endangered.</p> | <p>24 &amp; 25 Vic. c. 97, s. 9. (27 &amp; 28 Vic. c. 47.)</p> | <p>Felony; penal servitude for life, or not less than 5 years; or imprisonment not exceeding 2 years, with or without H. L. and sol. conf. Male under 16 may be whipped.</p>                                                        |
| <p>Attempting to destroy buildings, machinery, goods, &amp;c., with gunpowder or explosive substance, whether or not damage be caused.</p>                                                                                                                                                      | <p>s. 10.</p>                                                  | <p>Felony; penal servitude not exceeding 14, and not less than 5 years; or imprisonment not exceeding 2 years, with or without H.L. and sol. conf. Male under 16 may be whipped.</p>                                                |
| <p><i>To Buildings by Rioters.</i>—Persons riotously assembled, with force demolishing, &amp;c., places of divine worship, house, outhouse, &amp;c., farm-building, manufactory; or any public building, &amp;c., machinery, &amp;c.</p>                                                        | <p>s. 11.</p>                                                  | <p>Felony; penal servitude for life, or not less than 5 years; or imprisonment not exceeding 2 years, with or without H. L. and solitary confinement.</p>                                                                           |
| <p>Rioters, with force, injuring or damaging buildings, &amp;c., in last section mentioned.</p>                                                                                                                                                                                                 | <p>s. 12.</p>                                                  | <p>Misdemeanor; pen. serv. not exceeding 7, and not less than 5 years; or imprisonment not exceeding 2 years, with or without H.L. (and although tried for felony under sec. 11, may be convicted of misd. under this section).</p> |
| <p><i>To Buildings by Tenants.</i>—Tenants unlawfully and maliciously pulling down, demolishing, or beginning to pull down, &amp;c., dwelling-house or building, or to sever fixtures from the freehold.</p>                                                                                    | <p>s. 13.</p>                                                  | <p>Misdemeanor.<br/>           See also Summary Index; title, "Landlord and Tenant."</p>                                                                                                                                            |
| <p><i>To Manufacturers, Machinery, &amp;c.</i>—Unlawfully and maliciously cutting, damaging, &amp;c., silk, woollen, linen, cotton, hair, mohair, or alpaca goods, &amp;c., in process of manufacture, or the machinery, &amp;c., &amp;c.</p>                                                   | <p>s. 14.</p>                                                  | <p>Felony; penal servitude for life, or not less than 5 years; or imprisonment not exceeding 2 years, with or without H. L. and sol. conf. Male under 16 may be whipped.</p>                                                        |

| Offence.                                                                                                                                                                                                                                                         | Statute.                                         | Punishment.                                                                                                                                                                   |
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| <b>Malicious Injuries—continued.</b>                                                                                                                                                                                                                             |                                                  |                                                                                                                                                                               |
| Damaging or destroying machines, &c., fixed or moveable, used in agricultural operations, or used in any manufacture whatsoever (except in manufacture, as in preceding section).                                                                                | 24 & 25 Vic. c. 97, s. 15. (27 & 28 Vic. c. 47.) | Felony; penal servitude not exceeding 7, and not less than 5 years; or imprisonment not exceeding 2 years, with or without H. L. and sol. conf. Male under 16 may be whipped. |
| <i>To Corn, Trees, Vegetable Productions.</i><br>—Setting fire to any crop of hay, grass, corn, grain, or pulse, or cultivated vegetable, standing or cut down; wood, plantation, heath, furze, &c.                                                              | s. 16.                                           | Felony; penal servitude not exceeding 14, and not less than 5 years; or imprisonment as in last preceding section.                                                            |
| Unlawfully and maliciously setting fire to stacks of corn, grain, pulse, tares, hay, straw, haulm, stubble, cultivated vegetable produce, furze, gorse, heath, turf, wood, &c.                                                                                   | s. 17.                                           | Felony; penal servitude for life, or not less than 5 years; or imp. not exceeding 2 years, with or without H. L. and sol. conf. Male under 16 may be whipped.                 |
| Attempting to set fire to crops, stacks of corn, &c., as in last two sections mentioned, under circumstances that if set on fire, the offence would be felony.                                                                                                   | s. 18.                                           | Felony; penal servitude not exceeding 7, and not less than 5 years; or imprisonment as in preceding section.                                                                  |
| Cutting or destroying hop-binds.                                                                                                                                                                                                                                 | s. 19.                                           | Felony; penal servitude not exceeding 14, and not less than 5 years; or imprisonment as in last preceding sections.                                                           |
| <i>Trees, Shrubs, &amp;c.</i> —Maliciously cutting or destroying any tree, sapling, shrub, or any underwood, growing in park, pleasure-ground, garden, orchard, or avenue, or in ground adjoining or belonging to dwelling-house (in case the injury exceed £1). | s. 20.                                           | Felony; penal servitude 5 years; or imprisonment not exceeding 2 years, with or without H.L. and solitary confinement. Male under 16 may be whipped.                          |
| Maliciously damaging them, growing elsewhere (in case the injury done exceed £5).                                                                                                                                                                                | s. 21.                                           | Felony; like punishment.                                                                                                                                                      |
| Damaging them to the amount of 1s. wheresoever growing.                                                                                                                                                                                                          | s. 22.                                           | Triable summarily; see Summary Index, "Malicious Injuries."                                                                                                                   |
| Destroying fruit in gardens, &c.                                                                                                                                                                                                                                 | s. 23.                                           | See Summary Index, "Malicious Injuries."                                                                                                                                      |
| Destroying vegetable productions.                                                                                                                                                                                                                                | s. 24.                                           | Same.                                                                                                                                                                         |
| <i>To Fences.</i> —Damaging fence, wall, stile, or gate.                                                                                                                                                                                                         | s. 25.                                           | Same.                                                                                                                                                                         |

| Offence.                                                                                                                                                                                                                                                                                       | Statute.                                                        | Punishment.                                                                                                                                                                                                     |
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| <p><b>Malicious Injuries—continued.</b><br/> <i>To Mines</i>—Maliciously setting fire to coal, cannel coal, anthracite, or other mineral fuel.</p>                                                                                                                                             | <p>24 &amp; 25 Vic. c. 97, s. 26. (27 &amp; 28 Vic. c. 47.)</p> | <p>Felony; penal servitude for life, or not less than 5 years; or imprisonment not exceeding 2 years, with or without H. L. and solitary confinement. Male under 16 may be whipped.</p>                         |
| <p>Maliciously, by any overt act, attempting to set fire to any mine, under such circumstances that if set on fire, the offender would be guilty of felony.</p>                                                                                                                                | <p>s. 27.</p>                                                   | <p>Penal servitude not exceeding 14 years, and not less than 5 years; or imprisonment not exceeding 2 years, with or without H. L., and with or without solitary confinement. Male under 16 may be whipped.</p> |
| <p>Maliciously conveying water into any mine, with intent to damage, &amp;c.; destroying or obstructing airway, waterway, &amp;c.<br/>         (Proviso as to damage by owner of adjoining mine, or by person employed.)</p>                                                                   | <p>s. 28.</p>                                                   | <p>Felony; penal servitude not exceeding 7 and not less than 5 years; or imprisonment as in preceding section.</p>                                                                                              |
| <p>Maliciously damaging steam engines used in mines, or apparatus in connexion, &amp;c.; building, bridge, waggonway, or trunk; obstruct or hinder working of steam or other engine, &amp;c., with intent to damage mine, or delay working; cutting tackle, &amp;c.</p>                        | <p>s. 29.</p>                                                   | <p>Felony; penal servitude not exceeding 7 and not less than 5 years; or imprisonment not exceeding 2 years, with or without H. L. and solitary confinement. Male under 16 may be whipped.</p>                  |
| <p><i>To Sea-banks, Rivers, Canals, Ponds.</i><br/>         Maliciously breaking down, damaging, &amp;c., sea-bank, wall, &amp;c., whereby land or building may be damaged, undermining or destroying quay, wharf, jetty, watercourse, &amp;c., or other work belonging to river or canal.</p> | <p>s. 30.</p>                                                   | <p>Felony; penal servitude for life, or not less than 5 years; or imprisonment as in preceding section.</p>                                                                                                     |
| <p>Removing piles, material, &amp;c., of sea-bank, river, reservoir, canal, &amp;c., opening flood-gates, &amp;c., or otherwise damaging river or canal.</p>                                                                                                                                   | <p>s. 31.</p>                                                   | <p>Felony; penal servitude not exceeding 7, and not less than 5 years; or imprisonment as in preceding section.</p>                                                                                             |

| Offence.                                                                                                                                                                                                                                                                                                                                                        | Statute.                                                        | Punishment.                                                                                                                                                                                                 |
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| <p><b>Malicious Injuries—continued.</b><br/>           Maliciously breaking down or destroying the dam, &amp;c., of any fish-pond, or of any water, private property, or in which there shall be private right of fishery, with intent to take or cause destruction of fish; putting noxious materials therein to destroy fish; damaging mill-pond, &amp;c.</p> | <p>24 &amp; 25 Vic. c. 97, s. 32. (27 &amp; 28 Vic. c. 47.)</p> | <p>Misdemeanor; penal servitude not exceeding 7, and not less than 5 years; or imprisonment not exceeding 2 years, with or without H.L. and solitary confinement. Male under 16 may be whipped.</p>         |
| <p><i>To Bridges, Turnpike Gates, &amp;c.</i>—<br/>           Maliciously throwing down any bridge, viaduct, or aqueduct, or doing any act to render same dangerous or impassable.</p>                                                                                                                                                                          | <p>s. 34.</p>                                                   | <p>Felony; penal servitude for life, or not less than 5 years; or imprisonment not exceeding 2 years, with or without H.L. and solitary confinement. Male under 16 may be whipped.</p>                      |
| <p>Maliciously destroying, &amp;c., turnpike gate, toll-house, &amp;c.</p>                                                                                                                                                                                                                                                                                      | <p>”</p>                                                        | <p>Misdemeanor.</p>                                                                                                                                                                                         |
| <p><i>Injuries to Railways, Telegraphs, &amp;c.</i>—<br/>           Maliciously placing upon railway, any wood, stone, or other matter; displacing rails, sleepers, &amp;c.; diverting machinery, showing or removing signals, &amp;c., or doing any thing to obstruct carriages, &amp;c.</p>                                                                   | <p>s. 35.</p>                                                   | <p>Felony; penal servitude for life, or not less than 5 years; or imprisonment not exceeding 2 years, with or without H.L. Male under 16, with or without whipping.</p>                                     |
| <p>(The like offence, with intent to endanger passengers, &amp;c., is punishable in like manner, under 24 &amp; 25 Vic., c. 100, s. 32. See title “Offences against the Person,” in this Index).</p>                                                                                                                                                            |                                                                 |                                                                                                                                                                                                             |
| <p>By any unlawful act, or by any wilful omission or neglect, shall obstruct or cause to be obstructed any engine or carriage using on any railway, or shall aid or assist therein.</p>                                                                                                                                                                         | <p>s. 36.</p>                                                   | <p>Misdemeanor; imprisonment not exceeding 2 years, with or without H. L.</p>                                                                                                                               |
| <p>Maliciously injuring or destroying any machinery, wire, post, &amp;c., or other thing employed about electric or magnetic telegraph; obstructing delivery of communications.</p>                                                                                                                                                                             | <p>s. 37.</p>                                                   | <p>Misdemeanor; imprisonment not exceeding 2 years, with or without H.L. But if Justice think it a fit case for summary adjudication, it may be so determined. See Summary Index, “Malicious Injuries.”</p> |
| <p>Attempting to commit offences in last section.</p>                                                                                                                                                                                                                                                                                                           | <p>s. 38.</p>                                                   | <p>See Summary Index, “Malicious Injuries.”</p>                                                                                                                                                             |

| Offence.                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Statute.                     | Punishment.                                                                                                                                                                   |
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| <p><b>Malicious Injuries—continued.</b><br/> <i>To Works of Art.</i>—Maliciously destroying or damaging books, &amp;c., or any article or thing for the purpose of art, science, literature, or curiosity in museum, library, &amp;c., to which persons are admitted; or works of art or memorials in places of Divine worship, or other public building, or burial-ground, or garden, or any public statue or monument, or ornament or fences thereof.</p> | 24 & 25 Vic. c. 97, s. 39.   | Misdemeanor; imprisonment not exceeding 6 months, with or without H. L. Male under 16 may be whipped. (And not to affect civil remedy for damage done).                       |
| <p><i>To Cattle and other Animals.</i>—Maliciously killing, maiming, or wounding any cattle.</p>                                                                                                                                                                                                                                                                                                                                                            | s. 40. (27 & 28 Vic. c. 47.) | Felony; penal servitude not exceeding 14 and not less than 5 years, or imprisonment not exceeding 2 years, with or without H.L. and solitary confinement.                     |
| <p>Maliciously killing, maiming, or wounding any dog, bird, beast, or other animal, not being cattle, but being either the subject of larceny at Common Law, or being ordinarily kept in a state of confinement, or for any domestic purpose.</p>                                                                                                                                                                                                           | s. 41.                       | May be summarily tried by Justices. See Summary Index, "Malicious Injuries."                                                                                                  |
| <p><i>To Ships.</i>—Maliciously setting fire to, casting away, &amp;c., whether complete or in an unfinished state.</p>                                                                                                                                                                                                                                                                                                                                     | s. 42.                       | Felony; penal servitude for life, or not less than 5 years; or imprisonment not exceeding 2 years, with or without H. L. and sol. conf. Male under 16 may be whipped.         |
| <p>Setting fire to, or destroying it, to prejudice the owner of the ship or goods, or the underwriters, &amp;c.</p>                                                                                                                                                                                                                                                                                                                                         | s. 43.                       | Felony; punishable as in last section.                                                                                                                                        |
| <p>Attempting to set fire to, or cast away or destroy ship or vessel, under circumstances that, if attempt succeeded, the offender would be guilty of felony.</p>                                                                                                                                                                                                                                                                                           | s. 44.                       | Felony; penal servitude not exceeding 14, and not less than 5 years; or imprisonment not exceeding 2 years, with or without H.L. and sol. conf. Male under 16 may be whipped. |
| <p>Maliciously placing in or near any ship any gunpowder or explosive substance, with intent to destroy or damage, whether or not it explode or damage be done.</p>                                                                                                                                                                                                                                                                                         | s. 45.                       | Felony; like punishment.                                                                                                                                                      |



| Offence.                                                                                                                                                                                                                                                                                                            | Statute.                                                        | Punishment.                                                                                                                                                                                    |
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| <p><b>Malicious Injuries.—continued.</b><br/>           Damaging ships, otherwise than by fire.</p>                                                                                                                                                                                                                 | <p>24 &amp; 25 Vic. c. 97, s. 46. (27 &amp; 28 Vic. c. 47.)</p> | <p>Felony; penal servitude not exceeding 7, or not less than 5 years; or imprisonment not exceeding 2 years, with or without H. L. and solitary confinement. Male under 16 may be whipped.</p> |
| <p>Unlawfully masking or removing lights or signals, or exhibiting false ones, with intent to bring ship or boat into danger; or maliciously doing anything tending to the immediate loss or destruction of any ship, vessel, or boat, for which no punishment is hereinbefore provided.</p>                        | <p>s. 47.</p>                                                   | <p>Felony; penal servitude for life, and not less than 5 years; or imprisonment not exceeding 2 years, with or without H. L. and sol. conf. Male under 16 may be whipped.</p>                  |
| <p>Maliciously cutting away, sinking, removing, &amp;c., (or doing act with intent, &amp;c.), or in any other manner maliciously injuring or concealing any boat, buoy, buoy-rope, perch, or mark used for guidance of seamen, or for purpose of navigation.</p>                                                    | <p>s. 48.</p>                                                   | <p>Felony; penal servitude not exceeding 7, and not less than 5 years; or imprisonment as in last section.</p>                                                                                 |
| <p>Maliciously destroying any ship or vessel in distress, or wrecked, or any goods or articles belonging to such ship.</p>                                                                                                                                                                                          | <p>s. 49.</p>                                                   | <p>Felony; penal servitude not exceeding 14, and not less than 5 years; or imprisonment not exceeding 2 years; with or without H. L. and sol. conf.</p>                                        |
| <p><i>Letter threatening to burn or destroy.</i>— Sending, delivering, uttering, or directly or indirectly causing to be received, knowing the contents, letter threatening to burn any house, or building, stacks of grain or other agricultural produce, &amp;c., ship or vessel; or to kill or wound cattle.</p> | <p>s. 50.</p>                                                   | <p>Felony; penal servitude not exceeding 10, and not less than 5 years; or imprisonment not exceeding 2 years, with or without H. L. and sol. conf. Male under 16 may be whipped.</p>          |
| <p><i>Injuries not hereinbefore mentioned.</i>— Malicious injury or spoil to any real or personal property, either of a public or private nature, for which no punishment is hereinbefore provided (the damage or spoil exceeding £5).</p>                                                                          | <p>s. 51.</p>                                                   | <p>Misdemeanor; imprisonment not exceeding 2 years, with or without H. L.</p>                                                                                                                  |

| Offence.                                                                                                                                                                                                                                                                                  | Statute.                                                        | Punishment.                                                                                                                              |
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| <p><b>Malicious Injuries—continued.</b><br/>In case such last named offence be committed between 9, p.m., and 6, a.m.</p>                                                                                                                                                                 | <p>24 &amp; 25 Vic. c. 97, s. 46. (27 &amp; 28 Vic. c. 47.)</p> | <p>Penal servitude 5 years; or imprisonment not exceeding 2 years, with or without H. L.</p>                                             |
| <p>Where the injury does not exceed £5,</p>                                                                                                                                                                                                                                               | <p>s. 52.</p>                                                   | <p>Triable summarily. See Summary Index, "Malicious Injuries."</p>                                                                       |
| <p>(Section not to extend to cases where party acts under fair and reasonable supposition of right.)</p>                                                                                                                                                                                  |                                                                 | <p>—</p>                                                                                                                                 |
| <p>Provisions of section 52. extend to malicious injuries to trees, sapling, shrub, or underwood, for which no punishment is before provided.</p>                                                                                                                                         | <p>s. 53.</p>                                                   | <p>—</p>                                                                                                                                 |
| <p><i>Making or having Gunpowder to commit offences.</i>—Manufacturing or knowingly having in possession any gunpowder or other explosive substance or noxious thing, or any instrument or thing, with intent to commit, or enable another to commit any of the felonies in this Act.</p> | <p>s. 54.</p>                                                   | <p>Misdemeanor; imprisonment not exceeding 2 years with or without H. L. and solitary confinement; and male under 16 may be whipped.</p> |
| <p>Upon reasonable cause assigned on oath, Justice may issue warrant to search in the day-time for gunpowder and noxious substance, suspected to be kept to commit such offences.</p>                                                                                                     | <p>s. 55.</p>                                                   | <p>—</p>                                                                                                                                 |
| <p><i>Other Matters.</i>—In felonies, principal in second degree and accessory before the fact—</p>                                                                                                                                                                                       | <p>s. 56.</p>                                                   | <p>Punishable as principal in first degree.</p>                                                                                          |
| <p>Accessory after the fact to felony,</p>                                                                                                                                                                                                                                                | <p>"</p>                                                        | <p>Imprisonment not exceeding 2 years, with or without H. L. and solitary confinement.</p>                                               |
| <p>Aiding, counselling, abetting, or procuring commission of misdemeanor—</p>                                                                                                                                                                                                             | <p>"</p>                                                        | <p>To be indicted and punished as principal offender.</p>                                                                                |
| <p>Constables may apprehend persons loitering at night and suspected of felony against this Act.</p>                                                                                                                                                                                      | <p>s. 57.</p>                                                   | <p>To be taken before Justice of the Peace as soon as reasonably may.</p>                                                                |
| <p>Malice against owner of property need not be proved.</p>                                                                                                                                                                                                                               | <p>s. 58.</p>                                                   | <p>—</p>                                                                                                                                 |
| <p>Act applies to persons in possession of the property injured, and who do the acts with intent to injure or defraud any other.</p>                                                                                                                                                      | <p>s. 59.</p>                                                   | <p>—</p>                                                                                                                                 |

| Offence.                                                                                                                                                                                                                                         | Statute.                                                   | Punishment.                                                                                                                                                                                                          |
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| <b>Malicious Injuries—continued.</b>                                                                                                                                                                                                             |                                                            |                                                                                                                                                                                                                      |
| Intent to injure particular persons need not be stated in indictment.                                                                                                                                                                            | 24 & 25 Vic. c. 96, s. 60.                                 | —                                                                                                                                                                                                                    |
| Persons in the act of committing offences may be apprehended without warrant.                                                                                                                                                                    | s. 61.                                                     | —                                                                                                                                                                                                                    |
| For proceedings in respect to summary convictions, &c.                                                                                                                                                                                           | —                                                          | See Summary Index; "Malicious Injuries."                                                                                                                                                                             |
| Indictable offences committed within jurisdiction of the Admiralty may be tried in England or Ireland, wherever offender may be.                                                                                                                 | 24 & 25 Vic. c. 97, s. 72.                                 | —                                                                                                                                                                                                                    |
| Solitary confinement when ordered is not to exceed 1 month at a time, and not exceeding three months in a year.                                                                                                                                  | s. 75.                                                     | —                                                                                                                                                                                                                    |
| When offender ordered to be whipped, Court to name the number of strokes and the instrument with which they shall be inflicted.                                                                                                                  | "                                                          | —                                                                                                                                                                                                                    |
| See also Summary Index; title, "Malicious Injuries."                                                                                                                                                                                             |                                                            |                                                                                                                                                                                                                      |
| <b>Manslaughter—</b>                                                                                                                                                                                                                             |                                                            |                                                                                                                                                                                                                      |
| See "Offences against the Person."                                                                                                                                                                                                               |                                                            |                                                                                                                                                                                                                      |
| <b>Mantraps (Setting)—</b>                                                                                                                                                                                                                       |                                                            |                                                                                                                                                                                                                      |
| See "Offences against the Person."                                                                                                                                                                                                               |                                                            |                                                                                                                                                                                                                      |
| <b>Marriage—</b>                                                                                                                                                                                                                                 |                                                            |                                                                                                                                                                                                                      |
| Degraded clergyman, or a layman pretending to be a clergyman of the Established Church in Ireland, celebrating marriage between Protestants, or between Protestant and a Papist.                                                                 | 12 Geo. I. c. 3, s. 1.<br>5 Vic. sess. 2, c. 28, ss. 1.17. | Felony; penal servitude for 7 years; and may also be imprisoned not exceeding 4 years, nor less than one year, previous to transportation, with or without H. L. and sol. conf. The latter Act gives the punishment. |
| Marriage between Protestant and Roman Catholic by Roman Catholic Priest null and void.*                                                                                                                                                          | 19 Geo. II. c. 18, s. 1.                                   | Felony; penal servitude for 7 years, or imprisonment not exceeding 2 years.                                                                                                                                          |
| Without special licence solemnizing marriage in places other than church or chapel where same may be lawfully solemnized according to rites of United Church of England and Ireland, or a certified house or building appointed pursuant to Act. | 7 & 8 Vic. c. 81, s. 45.                                   |                                                                                                                                                                                                                      |

\* Where one of the marriages is of this character, it is a good defence to a charge of bigamy. *Queen v. Fanning*, Queen's Bench, Ireland, 1866, by seven of the Judges against four.

| Offence.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Statute.                                                                                    | Punishment.                                                                                                                                                           |
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| <p><b>Marriages—continued.</b><br/>Solemnizing marriage in registered office, &amp;c., in absence of Registrar, or contrary to Act.<br/>Granting license or publishing banns after same shall have been forbidden by some authorized person.<br/>Forging marriage licence or register—see “Forgery.”<br/>See also Marriages Amendment Act, 26 Vic. c. 27, providing penalties for neglect of duty by Clergymen and Registrars in not registering &amp;c., &amp;c.<br/>Persons knowingly or wilfully making false declaration or signing any false notice required by Acts for procuring any Marriage—<br/>For Registration of Marriage see title “Registration” Summary Index.</p> | <p>7 &amp; 8 Vic. c. 81, s. 45.<br/><br/>s. 46.<br/><br/>26 Vic. c. 29.<br/><br/>s. 15.</p> | <p>Like.<br/><br/>Like.<br/>(And for other offences, see Act.)<br/><br/><br/><br/>Perjury.</p>                                                                        |
| <p><b>Master (of Ship)—</b><br/>See Summary Index; “Merchant Shipping Act.”</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                             |                                                                                                                                                                       |
| <p><b>Merchandise Marks Act—</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p>25 &amp; 26 Vic. c. 88, ss. 2, 3.</p>                                                    | <p>Forging trade marks, misdemeanor; and adding to or altering trade marks, forgery.</p>                                                                              |
| <p><b>Murder*—</b><br/>Whosoever shall be convicted of Murder—<br/>See “Offences against the Person.”</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <p>24 &amp; 25 Vic. c. 100, s. 2.</p>                                                       | <p>Shall suffer death as a felon. The body to be buried within the precincts of the prison in which last confined, and the sentence of the Court shall so direct.</p> |
| <p><b>Museum (damaging Works of Art in):</b><br/>See “Malicious Injuries.”</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                             |                                                                                                                                                                       |
| <p><b>Mutiny—</b><br/>See Summary Index; Mutiny Act.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                             |                                                                                                                                                                       |
| <p><b>Night (in Burglaries and other Offences against the Larceny Act)—</b><br/>Shall be deemed to commence at 9, P.M., and to conclude at 6, A.M.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <p>24 &amp; 25 Vic. c. 96, s. 1.</p>                                                        | <p>—</p>                                                                                                                                                              |

\* *Murder* is homicide, committed “feloniously, wilfully, and of malice aforethought,” or prepenne. Malice is particular or general, and express or implied.

| Offence.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Statute.                                                                                      | Punishment.                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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| <p><b>Nuisance*</b>—<br/> <b>Annoyances on highways, bridges and public rivers, &amp;c., by actual obstruction, or want of repair by party liable; offensive and dangerous trades and manufactures; making great noises in the night, or exposing in thoroughfares a person infected with contagious disease; suffering ferocious animals to go at large—as a fierce bull in a field where there is a footway; or a ferocious dog unmuzzled.</b></p> <p><b>Keeping a common bawdy house, gaming house, or a common, ill-governed, and disorderly house.</b></p> <p>(For “Nuisances on Roads, Streets, &amp;c.”—see Summary Index.)</p> <p><b>Obstructing (Railway Engines, &amp;c.)—</b><br/> See “Malicious Injuries,” and “Offences against the Person.”</p> | <p><b>Common Law.</b></p> <p><b>Common Law.</b><br/> and<br/> 7 Geo. iv. c. 9,<br/> s. 1.</p> | <p><b>Fine and imprisonment and the Court may order the nuisance to be abated or removed at defendant's costs. If the nuisance has been abated, that being the object of the indictment, the Court will adapt judgment accordingly.</b></p> <p><b>Fine and imprisonment; and the Court may order the nuisance to be abated or removed at defendant's costs. If the nuisance has been abated, that being the object of the indictment, the Court will adapt judgment accordingly.</b></p> |

\* A public or common nuisance is such an inconvenient or troublesome offence as annoys the whole community in general, and not merely some particular person, and therefore this is indictable only, and not actionable.—*Black. Com.* If the annoyance be only to a private individual, and not to the public, it can only be the subject of an action, and is not indictable.—1 *Hawk.*, c. 75, ss. 1 & 2. It seems that if a man set up a noxious trade where it has been long established, it is not indictable unless the annoyance is greatly increased; and if it was originally remote from houses, and houses are afterwards built there, it will not be a nuisance, merely for annoying the newcomers. The gist of the offence is that it renders the enjoyment of life and property uncomfortable. It may be both indictable and actionable. *Rose v. Graves*, 5 M. & Gr. 613. It is now settled that the circumstance that the thing complained of furnishes upon the whole a greater convenience to the public than it takes away, is no answer to an indictment for a nuisance. See cases in *Roscoe*, New Ed., p. 588. It is not necessary that a public nuisance should be injurious to health, if there are smells offensive to the senses, it is enough, as the neighbourhood has a right to pure and fresh air. *R. V. Neill*, 2 C & P., 485. Keeping large quantities of inflammable or explosive substances in a crowded neighbourhood, is a nuisance for which an indictment will lie. No length of time will legitimate a nuisance, and it is immaterial how long the practise has prevailed. Though 20 years use may bind the right of an individual, yet the public have a right to demand the suppression of a nuisance, though of long standing.—*Roscoe*.

| Offence.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Statute.                            | Punishment.                                                                                                                                                                                                                                     |
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| <b>Oath—</b><br>To administer, or cause to be administered, or by threats, persuasion, or other undue means, cause any person to take an unlawful oath, on a book or otherwise; or to take such oath, not being compelled by inevitable necessity.                                                                                                                                                                                                                                                                     | 27 Geo. iii. c. 15, s. 6.           | Felony; penal servitude for 7 years.                                                                                                                                                                                                            |
| <b>Administering, tendering, or causing to be taken, oath or engagement binding to belong to any society formed for seditious purposes, or to disturb the peace, or injure person or property, or to compel any person to do or not to do any act; binding to obey orders of unlawful committee or leader, or to assemble at command, &amp;c.; or not to give evidence against associates, or reveal, &amp;c.; or taking any such oath.</b><br><b>Aiders or abettors, though not present, to be deemed principals.</b> | 50 Geo. iii. c. 102, ss. 1, 2, & 3. | Felony; penal servitude for life. The taking of any such oath, penal servitude for 7 years, Persons compelled to take oath, excused by giving information, on oath, within 10 days. If detained by force or sickness, 7 days after such ceases. |
| <b>Abolition of voluntary and extra-judicial oaths before Justice of the Peace,</b>                                                                                                                                                                                                                                                                                                                                                                                                                                    | 5 & 6 W. iv. c. 62.                 | (For "Forms" of oaths, &c.—see <i>Appendix</i> .)                                                                                                                                                                                               |
| <b>Obscene (Books, Prints, Conduct, &amp;c.)</b><br>See "Libel," and "Nuisance."                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                     |                                                                                                                                                                                                                                                 |
| <b>Obtaining (Money, &amp;c., under false pretences)—see "Larceny," &amp;c.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                     |                                                                                                                                                                                                                                                 |
| <b>Offences against the Person—</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                     |                                                                                                                                                                                                                                                 |
| <b>Homicide.</b> —Whoever shall be convicted of murder shall suffer death as a felon.                                                                                                                                                                                                                                                                                                                                                                                                                                  | 24 & 25 Vic. c. 100, s. 1.          | Death as a felon.                                                                                                                                                                                                                               |
| <b>Sentence</b> —Court shall pronounce sentence of death.                                                                                                                                                                                                                                                                                                                                                                                                                                                              | s. 2.                               | —                                                                                                                                                                                                                                               |
| <b>Burial</b> —Body shall be buried within precincts of prison in which last confined and Court shall so direct.                                                                                                                                                                                                                                                                                                                                                                                                       | s. 3.                               | —                                                                                                                                                                                                                                               |
| <b>Conspiracy or solicitation to murder any person, whether a subject of Her Majesty or not, and whether or not within Queen's dominions.</b>                                                                                                                                                                                                                                                                                                                                                                          | s. 4. (27 & 28 Vic. c. 47.)         | Misdemeanor; penal servitude not more than 10, nor less than 5 years; or imprisonment not exceeding 2 years, with or without H.L.                                                                                                               |

| Offence.                                                                                                                                                                                                                                                | Statute.                                                  | Punishment.                                                                                                                                                            |
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| <b>Offences against the Person—con.</b>                                                                                                                                                                                                                 |                                                           |                                                                                                                                                                        |
| <i>Manslaughter.</i> . . . . .                                                                                                                                                                                                                          | 24 & 25 Vic.<br>c. 100, s. 5.<br>(27 & 28 Vic.<br>c. 47.) | Penal servitude for life,<br>or not less than 5 years;<br>or imprisonment not<br>exceeding 2 years, with<br>or without H. L., and<br>with or without fine.             |
| <i>Indictment.</i> —What it shall contain for<br>murder and manslaughter—                                                                                                                                                                               | s. 6.                                                     | —                                                                                                                                                                      |
| For murder—"Feloniously, wilfully,<br>and of his malice aforethought<br>kill and murder the deceased."                                                                                                                                                  | "                                                         | —                                                                                                                                                                      |
| Manslaughter—"Did feloniously kill<br>and slay the deceased."                                                                                                                                                                                           | "                                                         | —                                                                                                                                                                      |
| Manner or means by which death<br>caused not necessary to be set forth.                                                                                                                                                                                 | s. 7.                                                     | —                                                                                                                                                                      |
| <i>Excusable Homicide.</i> —No punishment<br>or forfeiture shall be incurred by<br>any person who shall kill another<br>by misfortune or in his own defence,<br>or in any other manner without<br>felony.                                               | s. 7.                                                     | —                                                                                                                                                                      |
| Petit treason abolished, . . . . .                                                                                                                                                                                                                      | s. 8.                                                     | —                                                                                                                                                                      |
| Murder or manslaughter abroad by<br>subject of Her Majesty, may be<br>tried where offenders apprehended<br>in England or Ireland.                                                                                                                       | s. 9.                                                     | —                                                                                                                                                                      |
| Where death or cause of death hap-<br>pens in England or Ireland—                                                                                                                                                                                       | s. 10.                                                    | May be tried in Eng-<br>land or Ireland where<br>the death, or cause of<br>death, happens.                                                                             |
| <i>Attempts to Murder.</i> —By poison or<br>wounding:—causing to be admin-<br>istered to, or taken by any person<br>any poison or destructive thing, or<br>by any means wounding or caus-<br>ing grievous bodily harm, with<br>intent to commit murder. | s. 11.                                                    | Felony; penal servitude<br>for life, or not less than<br>5 years; or imprison-<br>ment not exceeding 2<br>years, with or without<br>H. L. and solitary<br>confinement. |
| <i>Gunpowder.</i> —by destroying or dam-<br>aging any building by gunpowder<br>or explosive substance with intent<br>to murder.                                                                                                                         | s. 12.                                                    | Felony; like punish-<br>ment as last preceding.                                                                                                                        |
| By setting fire to or casting a ship<br>away, with intent to murder.                                                                                                                                                                                    | s. 18.                                                    | Felony; like punishment.                                                                                                                                               |
| By attempting to poison, or by shoot-<br>ing, or attempting to shoot, or at-<br>tempting to drown, or strangle, or<br>suffocate, with intent to murder.                                                                                                 | s. 14.                                                    | Felony; like punishment.                                                                                                                                               |

| Offence.                                                                                                                                                                                                                                       | Statute.                                                         | Punishment.                                                                                                                                                                                                |
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| <p><b>Offences against the Person—con.</b><br/>Other means:—by any other means than those specified in preceding sections, attempting to commit murder.</p>                                                                                    | <p>24 &amp; 25 Vic. c. 100, s. 15. (27 &amp; 28 Vic. c. 47.)</p> | <p>Felony; like punishment.</p>                                                                                                                                                                            |
| <p><i>Threatening Letters.</i>—Maliciously sending, delivering, uttering, or directly or indirectly causing to be received, knowing the contents thereof, any letter or writing threatening to kill or murder. (See “Malicious Injuries.”)</p> | <p>s. 16.</p>                                                    | <p>Felony; penal servitude not exceeding 10 years, and not less than 5 years; or imprisonment not exceeding 2 years, with or without H. L. and solitary confinement; and male under 16 may be whipped.</p> |
| <p><i>Attempt to do Bodily Harm.</i>—By preventing or impeding a person endeavouring to save himself from shipwreck, or preventing any other in his endeavour to save the life of such person.</p>                                             | <p>s. 17.</p>                                                    | <p>Felony; penal servitude for life, or not less than 5 years; or imprisonment not exceeding 2 years, with or without H. L. and solitary confinement.</p>                                                  |
| <p>By any means, or by shooting, or attempting to shoot at a person, with intent to maim, disfigure, disable, or do grievous bodily harm, or prevent lawful apprehension of any person.</p>                                                    | <p>s. 18.</p>                                                    | <p>Felony; like punishment as last preceding.</p>                                                                                                                                                          |
| <p>Gun, pistol, or other arms, loaded with gunpowder or explosive substance, and ball, shot, slug, or destructive material, to be deemed loaded arms.</p>                                                                                      | <p>s. 19.</p>                                                    | <p>—</p>                                                                                                                                                                                                   |
| <p>Unlawfully and maliciously wounding or inflicting any grievous bodily harm, either with or without weapon or instrument.</p>                                                                                                                | <p>s. 20.</p>                                                    | <p>Misdemeanor; penal servitude 5 years; or imprisonment not exceeding 2 years, with or without H. L.</p>                                                                                                  |
| <p>By attempting to choke, suffocate, strangle, render insensible, &amp;c., with intent to commit, or enable any other to commit indictable offence.</p>                                                                                       | <p>s. 21.</p>                                                    | <p>Felony; penal servitude for life, or not less than 5 years; or imprisonment not exceeding 2 years, with or without H. L., and male offender may be whipped.*</p>                                        |

\* *Whipping.*—26 & 27 Vic., c. 44.—“Where any person is convicted of a crime under either of the said sections (43 section of Larceny Act, 24 & 25 Vic., c. 96, and 21st section of above Act), the Court may, in addition to the punishment awarded by



| Offence.                                                                                                                                                                                                                                                               | Statute.                                          | Punishment.                                                                                                                                                                                     |
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| <b>Offences against the Person—con.</b><br>Chloroform, &c.—Administering, or causing to be, &c., to any person, chloroform, &c., or other stupifying drugs, with intent to commit, or enable another to commit indictable offence.                                     | 24 & 25 Vic. c. 100, s. 22. (27 & 28 Vic. c. 47.) | Felony; like punishment as preceding.                                                                                                                                                           |
| Poison, &c.—By administering, or causing to be, &c., poison or noxious thing to any person, so as to endanger life or inflict grievous bodily harm.                                                                                                                    | s. 23.                                            | Felony; penal servitude not exceeding 10 years, nor less than 5; or imprisonment not exceeding 2 years, with or without H.L.                                                                    |
| Administering, or causing to be, &c., poison or noxious thing, with intent to injure, aggrieve, or annoy.                                                                                                                                                              | s. 24.                                            | Misdemeanor; penal servitude 5 years; or imprisonment not exceeding 2 years, with or without H. L.                                                                                              |
| Jury may acquit of the felony under section 23, and convict of the misdemeanor under section 24.                                                                                                                                                                       | s. 25.                                            | —                                                                                                                                                                                               |
| <i>Apprentices.</i> —Master or mistress, legally liable, refusing or neglecting, without lawful excuse, to provide for apprentice necessary food, clothing, or lodging; or maliciously doing bodily harm, so as to endanger life or health, or cause permanent injury. | s. 26.                                            | Misdemeanor; penal servitude, 5 years; or imprisonment not exceeding 2 years, with or without H.L.; and on certificate of Justices, guardians or overseers, shall conduct prosecution. Sec. 78. |
| <i>Children.</i> —By abandoning or exposing children under two years, whereby life may be endangered, or health permanently injured.                                                                                                                                   | s. 27.                                            | Misdemeanor; like punishment as last preceding.                                                                                                                                                 |

said sections, or any part thereof, direct that the offender, if a male, be once, twice, or thrice privately whipped, subject to the following provisions:—

1. That in case of an offender, whose age does not exceed 16 years, the number of strokes at each whipping do not exceed 25, and the instrument used shall be a birch rod.
2. That in the case of any other male offender the number of strokes do not exceed 50 at each such whipping.

3. That in each case the Court, in its sentence, shall specify the number of strokes to be inflicted, and the instrument to be used."

Whipping shall not take place after six months from sentence, and if the person be sentenced to penal servitude it shall be inflicted before he shall be removed to convict prison.

This Act was passed to deter offenders and prevent garrote robberies which had become alarmingly frequent within the few previous years in London. The Judges did, in almost every case, cause the offenders to be whipped, and the result is that such offences now rarely occur. It is called "An Act for the further security of the persons of Her Majesty's subjects from personal violence."

| Offence.                                                                                                                                                                                                                                                                       | Statute.                                                         | Punishment.                                                                                                                                                                                         |
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| <p><b>Offences against the Person—con.</b><br/>By explosion of gunpowder, or other explosive substance, burning, &amp;c., or doing grievous bodily harm.</p>                                                                                                                   | <p>24 &amp; 25 Vic. c. 100, s. 28. (27 &amp; 28 Vic. c. 47.)</p> | <p>Felony; penal servitude for life, or not less than 5 years; or imprisonment not exceeding 2 years, with or without H.L. and solitary confinement. Male under 16 may be whipped.</p>              |
| <p>Causing gunpowder, or explosive substance, to explode; sending to, or causing to be received, explosive or noxious thing; laying at any place, or throwing upon any person, corrosive fluid, destructive or explosive substance, with intent to do bodily harm, &amp;c.</p> | <p>s. 29.</p>                                                    | <p>Felony; like punishment as in last preceding.</p>                                                                                                                                                |
| <p>Placing gunpowder or explosive substance on building, vessel, &amp;c., with intent to do bodily injury to any person (and see section 12).</p>                                                                                                                              | <p>s. 30.</p>                                                    | <p>Felony; penal servitude not exceeding 14, and not less than 5 years; or imprisonment not exceeding 2 years, with or without H.L. and solitary confinement; and male under 16 may be whipped.</p> |
| <p><i>Spring-Guns, &amp;c.</i>—Setting, or causing to be set, spring-gun, man-trap, or engine, calculated to destroy human life, or inflict grievous bodily harm, with intent, or whereby same may destroy or do bodily harm to trespassers.</p>                               | <p>s. 31.</p>                                                    | <p>Misdemeanor; penal servitude, 5 years; or imprisonment not exceeding 2 years, with or without H.L.</p>                                                                                           |
| <p>Permitting same to be or continue set.</p>                                                                                                                                                                                                                                  | <p>„</p>                                                         | <p>—</p>                                                                                                                                                                                            |
| <p>Not to apply to guns or traps for vermin, or set in houses between sunset and sunrise.</p>                                                                                                                                                                                  |                                                                  |                                                                                                                                                                                                     |
| <p><i>Railways.</i> — Maliciously throwing stones, &amp;c., upon; displacing rails, sleepers, &amp;c.; diverting points, &amp;c.; showing, hiding, or removing signals, or doing anything with intent to endanger safety of travellers.</p>                                    | <p>s. 32.</p>                                                    | <p>Felony; penal servitude for life, or not less than 5 years; or imprisonment not exceeding 2 years, with or without H.L. and solitary confinement. Male under 16 may be whipped.</p>              |
| <p>(Like offence, with intent to obstruct or upset engine, &amp;c., is punishable under Malicious Injuries Act, 24 &amp; 25 Vic., chapter 97, section 35.)</p>                                                                                                                 |                                                                  |                                                                                                                                                                                                     |

| Offence.                                                                                                                                                                                                                                                                                   | Statute.                                          | Punishment.                                                                                                                                                               |
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| <b>Offences against the Person—con.</b><br>Maliciously throwing into or upon railway engine, tender, carriage, truck, &c., wood, stone, or other thing, with intent to endanger any person.                                                                                                | 24 & 25 Vic. c. 100, s. 33. (27 & 28 Vic. c. 47.) | Felony; penal servitude for life, or not less than 5 years; or imprisonment not exceeding 2 years, with or without H.L.                                                   |
| (Like offence, with intent to obstruct engine or carriage, punishable under Malicious Injuries Act, 24 & 25 Vic., chapter 97, section 86).                                                                                                                                                 |                                                   |                                                                                                                                                                           |
| By any unlawful act, wilful omission, or neglect, endangering, or causing to be, &c., the safety of any passenger, or aiding or assisting therein.                                                                                                                                         | s. 34,                                            | Misdemeanor; imprisonment not exceeding 2 years, with or without H.L.                                                                                                     |
| Persons having charge of any carriage or vehicle, by wanton or furious driving or racing, wilful misconduct or neglect, doing or causing bodily harm to any person.                                                                                                                        | s. 35.                                            | Like.                                                                                                                                                                     |
| <b>Assaults.</b> —Obstructing or preventing <i>clergyman</i> or other minister from celebrating Divine service; or at any lawful burial; striking or offering violence to; or while so engaged (or to offender's knowledge about to engage) in such duties, arresting under civil process. | s. 36.                                            | Like.                                                                                                                                                                     |
| <b>Assaulting Magistrate or officer in exercise of his duty, in or on account of his preserving wreck, &amp;c.</b>                                                                                                                                                                         | s. 37.                                            | Misd.; penal serv. not exceeding 7 years, and not less than 5 years; or imprisonment not exceeding 2 years, with or without H.L.                                          |
| <b>Assault with intent to commit felony; or assaulting or obstructing peace officer or person acting in his aid; or on any person with intent to prevent lawful apprehension.</b>                                                                                                          | s. 38.                                            | Misdemeanor; imprisonment not exceeding 2 years, with or without H.L. (But if of a trivial nature, may be tried summarily by two Justices. See "Assault," Summary Index). |
| <b>Assaulting or threatening, with intent to hinder buying, selling, or free passage of grain, potatoes, &amp;c.</b>                                                                                                                                                                       | s. 39.                                            | Misdemeanor. See Summary Index, "Assault."                                                                                                                                |
| <b>Assault to prevent seamen or keelmen working.</b>                                                                                                                                                                                                                                       | s. 40.                                            | Summary Index.                                                                                                                                                            |
| <b>Assault in pursuance of unlawful combination, or conspiracy to raise wages, or respecting trade, &amp;c.</b>                                                                                                                                                                            | s. 41.                                            | Misdemeanor; imp. not exceeding 2 years, with or without H.L.                                                                                                             |

| Offence.                                                                                                                                                                                                                                                                                                                                                                                                                           | Statute.                     | Punishment.                                                                                                                                                                                                                                            |
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| <b>Offences against the Person—con.</b>                                                                                                                                                                                                                                                                                                                                                                                            |                              |                                                                                                                                                                                                                                                        |
| <i>Common Assault.</i> —Assaulting or beating any other person (but see section 47).                                                                                                                                                                                                                                                                                                                                               | 24 & 25 Vic. c. 100, s. 42.  | Summary Index ; title, "Assault."                                                                                                                                                                                                                      |
| Aggravated assaults on females and on boys.                                                                                                                                                                                                                                                                                                                                                                                        | s. 48.                       | Summary Index ; title, "Assault."                                                                                                                                                                                                                      |
| Any assault occasioning actual bodily harm.                                                                                                                                                                                                                                                                                                                                                                                        | s. 47. (27 & 28 Vic. c. 47.) | Penal servitude, 5 years; or imprisonment not exceeding 2 years, with or without H.L.                                                                                                                                                                  |
| <i>Common Assault.</i> —Whosoever shall be convicted upon an indictment for a common assault.                                                                                                                                                                                                                                                                                                                                      | "                            | Imprisonment not exceeding 1 year, with or without H. L.                                                                                                                                                                                               |
| <i>Rape.</i> —Person convicted of the crime of.                                                                                                                                                                                                                                                                                                                                                                                    | s. 48.                       | Felony ; penal servitude for life, or not less than 5 years; or imprisonment not exceeding 2 years, with or without H. L.                                                                                                                              |
| <i>(Rape is the having carnal knowledge of a woman by force and against her will.—1 Hawk., c. 41, s. 2; and see Archbold).</i>                                                                                                                                                                                                                                                                                                     |                              |                                                                                                                                                                                                                                                        |
| <i>Procuring, &amp;c.</i> —By false pretences, false representations, or other fraudulent means, procuring any woman or girl under the age of 21 years to have illicit carnal connexion with any man.                                                                                                                                                                                                                              | s. 49.                       | Misdem.; imprisonment not exceeding 2 years, with or without H.L.                                                                                                                                                                                      |
| Unlawfully and carnally knowing and abusing any girl under the age of 10.                                                                                                                                                                                                                                                                                                                                                          | s. 50.                       | Felony ; penal servitude for life, or not less than 5 years; or imprisonment not exceeding 2 years, with or without H. L.                                                                                                                              |
| Unlawfully and carnally knowing and abusing any girl above 10 and under 12.                                                                                                                                                                                                                                                                                                                                                        | s. 51.                       | Misd.; penal servitude 5 years; or imp. not exceeding 2 years, with or without H. L.                                                                                                                                                                   |
| Indecent assault upon any female, or any attempt to have carnal knowledge of any girl under 12.                                                                                                                                                                                                                                                                                                                                    | s. 52.                       | Imprisonment not exceeding 2 years, with or without H.L.                                                                                                                                                                                               |
| Abduction of a woman against her will, with intent to marry or carnally know her, or to cause her to be married or carnally known, she having any interest, present or future, &c., in real or personal estate; fraudulently alluring, taking away, or detaining such woman, being under 21, out of possession, or against the will of her parents or guardian, with intent to marry or carnally know her, or cause her to be, &c. | s. 53.                       | Felony ; penal servitude not exceeding 14 years, and not less than 5 years; or imprisonment not exceeding 2 years, with or without H.L. Offender incapable of deriving any interest in her property; if married, Court of Chancery to settle property. |

| Offence.                                                                                                                                                                                                                                                                                                                                                                                       | Statute.                                                         | Punishment.                                                                                                                                                          |
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| <p><b>Offences against the Person—con.</b><br/>           Forcibly abduction of any woman of any age, with intent to marry or carnally know her, or to cause her to be married or carnally known by any other.</p>                                                                                                                                                                             | <p>24 &amp; 25 Vic. c. 100, s. 54. (27 &amp; 28 Vic. c. 47.)</p> | <p>Felony; penal servitude not exceeding 14 years, nor less than 5 years; or imprisonment not exceeding 2 years, with or without H. L.</p>                           |
| <p>Unlawfully taking, or causing to be taken, any unmarried girl under 16 out of possession, and against the will of her parents or guardian.</p>                                                                                                                                                                                                                                              | <p>s. 55.</p>                                                    | <p>Misdemeanor; imprisonment not exceeding 2 years, with or without H.L.</p>                                                                                         |
| <p><i>Child Stealing.</i>—By force or fraud, taking, or enticing away, or detaining any child under 14, with intent to deprive parent, guardian, or care-taker of possession of such child, or with intent to steal any article upon such child; and with such intent harbouring such child knowingly.<br/>           (Exception as to persons claiming right to the possession).</p>          | <p>s. 56.</p>                                                    | <p>Felony; penal servitude not exceeding 7, and not less than 5 years; or imprisonment not exceeding 2 years, with or without H.L. Male under 16 may be whipped.</p> |
| <p><i>Bigamy.</i>—Marrying any other person during life of former husband or wife, whether the second marriage take place in Ireland or England, or elsewhere.<br/>           (Not to apply to second marriage contracted elsewhere than in England and Ireland, or by any other than a subject of Her Majesty, or where first husband or wife not known to be living within seven years.)</p> | <p>s. 57.</p>                                                    | <p>Felony; penal servitude not exceeding 7, nor less than 5 years; or imprisonment not exceeding 2 years, with or without H.L.</p>                                   |
| <p><i>Abortion.</i>—Administering drugs, &amp;c., or using instruments to procure abortion, or causing to be used, &amp;c.</p>                                                                                                                                                                                                                                                                 | <p>s. 58.</p>                                                    | <p>Felony; penal servitude for life, or not less than 5 years; or imprisonment not exceeding 2 years, with or without H.L., and solitary confinement.</p>            |
| <p>Supplying or procuring drugs or instruments for the purpose, knowingly.</p>                                                                                                                                                                                                                                                                                                                 | <p>s. 59.</p>                                                    | <p>Misdemeanor; penal servitude 5 years; or imprisonment not exceeding 2 years, with or without H.L.</p>                                                             |

| Offence.                                                                                                                                                                                                                                                                                                                           | Statute.                        | Punishment.                                                                                                                           |
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| <b>Offences against the Person—con.</b>                                                                                                                                                                                                                                                                                            |                                 |                                                                                                                                       |
| <i>Concealing Birth</i> —If any woman be delivered of a child, every person who shall by any secret disposition of the dead body of said child, whether such child died before, at, or after its birth, endeavour to conceal the birth thereof<br>(Person tried and acquitted of the murder may be convicted of concealing birth). | 24 & 25 Vic. c. 100, s. 60.     | Misdemeanor; imprisonment not exceeding 2 years, with or without H.L.                                                                 |
| <i>Unnatural Offences—Sodomy and Bestiality</i> .—Committing the abominable crime of buggery either with mankind or with any animal.*                                                                                                                                                                                              | a. 61.                          | Penal servitude for life, or not less than 10 years.                                                                                  |
| Attempting to commit the said abominable crime, or guilty of assault, with intent, &c., or of any indecent assault upon any male person.                                                                                                                                                                                           | a. 62.<br>(27 & 28 Vic. c. 47.) | Misdemeanor; penal servitude not exceeding 10, and not less than 5 years; or imprisonment not exceeding 2 years, with or without H.L. |
| <i>Carnal Knowledge, what</i> .—Not necessary to prove actual emission, but offence shall be complete upon proof of penetration.                                                                                                                                                                                                   |                                 |                                                                                                                                       |
| <i>Gunpowder, &amp;c.</i> .—Making, having in possession, &c., gunpowder, explosive substance, noxious thing, or instrument to commit, or enable another to commit, any of the felonies in this Act.                                                                                                                               | a. 64.                          | Misdemeanor; imprisonment not exceeding 2 years, with or without H.L. and sol. conf. Male under 16 may be whipped.                    |
| Justice, on oath made, may grant warrant to search.                                                                                                                                                                                                                                                                                | a. 65.                          | Search to be made in the day-time.                                                                                                    |
| <i>Other matters</i> .—Persons suspected of intending offences against this Act may be apprehended.                                                                                                                                                                                                                                | a. 66.                          | —                                                                                                                                     |
| In felonies under this Act, principal in second degree and accessory before the fact—                                                                                                                                                                                                                                              | a. 67.                          | Punishable as principal in first degree.                                                                                              |
| Accessory after the fact to felonies (except murder).                                                                                                                                                                                                                                                                              | ”                               | Imprisonment not exceeding 2 years, with or without H.L.                                                                              |

\* It has been well said that some errors would never have thriven were it not for learned refutation.

There are some vices, and the above is certainly one of them, which in its prosecution or punishment should receive as little publicity as possible. It is one of those cases which Magistrates should investigate in private. The Executive, as much as possible, endeavour to prevent its ever being brought before the public. “I touch with reluctance and despatch with impatience this most odious vice, of which modesty rejects the name, and nature abominates the idea.”—*Gibbon's Decline and Fall*.

| Offence.                                                                                                                                                                                  | Statute.                                          | Punishment.                                                                                                                                                                                                        |
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| <b>Offences against the Person—con.</b>                                                                                                                                                   |                                                   |                                                                                                                                                                                                                    |
| Accessory after the fact to murder, .                                                                                                                                                     | 24 & 25 Vic. c. 100, s. 67. (27 & 28 Vic. c. 47.) | Pen. ser. for life, or not less than 5 yrs.; or imp. not exceeding 2 years, with or without H.L.                                                                                                                   |
| Whoever shall counsel, aid, or abet the commission of indictable misdemeanor punishable under this Act—<br>(See also 24 & 25 Vic., c. 94, s. 8; and see title, "Abettors.")               | "                                                 | Punishable as principal offender.                                                                                                                                                                                  |
| <i>Admiralty.</i> —Offences committed within jurisdiction of the Admiralty to be dealt with as if committed upon land in England or Ireland, wherever offender apprehended or in custody. | s. 68.                                            | —                                                                                                                                                                                                                  |
| <i>Solitary Confinement</i> , when awarded, not to exceed 1 month at a time, nor exceeding 3 months in a year.                                                                            | s. 70.                                            | —                                                                                                                                                                                                                  |
| <i>Whipping</i> , when awarded, to be private, the Court shall name the number of strokes and the instrument                                                                              | "                                                 | —                                                                                                                                                                                                                  |
| <i>Sureties, &amp;c.</i> —Persons convicted of indictable misdemeanor under this Act, if the Court think fit, may, in lieu of punishment—                                                 | s. 71.                                            | Fine the offender, and require him to enter into recognizance with sureties, both or either for keeping the peace and being of good behaviour.                                                                     |
| And in case of felony, punishable otherwise than with death, may order—                                                                                                                   | "                                                 | Offender to enter into recognizance with sureties, both or either, for keeping the peace, in addition to any punishment by this Act authorized. In default of finding sureties, imprisonment not exceeding 1 year. |
| Assaults on apprentices under section 26; indictable assaults on persons under 16 amounting to, or with intent to commit felony.                                                          | s. 73.                                            | <i>Guardians or overseers</i> to prosecute on certificate of two Justices.                                                                                                                                         |
| <i>Costs.</i> —In indictable assaults, with or without battery or wounding.                                                                                                               | s. 74.                                            | In addition to sentence, Court may order prosecutor his expenses, and for loss of time; in default of payment, additional imprisonment not exceeding 3 months.                                                     |

| Offence.                                                                                                                                                                      | Statute.                                  | Punishment.                                                                                                                |
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| <b>Offences against the Person—<i>con.</i></b>                                                                                                                                |                                           |                                                                                                                            |
| Court may issue distress-warrant to levy such costs.                                                                                                                          | 24 & 25 Vic. c. 100, s. 75.               | On being levied by distress, the imprisonment awarded in default, to cease.                                                |
| Summary proceedings—how, . . .<br>In indictable misdemeanor, Court may order costs of prosecutions, as in felonies.                                                           | s. 76.<br>s. 77.                          | —<br>—                                                                                                                     |
| <b>Office and Officers—</b>                                                                                                                                                   |                                           |                                                                                                                            |
| Constable or overseer refusing to execute his office.                                                                                                                         | Common Law.                               | Misdemeanor; fine and imprisonment.                                                                                        |
| Buying, selling, or bargaining for the sale of offices (specified in 49 Geo. iii., c. 126, or the 5 & 6 Edw. vi., c. 16, Eng.); assisting or negotiating, &c.                 | 49 Geo. iii. c. 126, ss. 3 & 4.           | Misdemeanor, punishable by fine and imprisonment.                                                                          |
| Bribery, extortion, malfeasance, or culpable nonfeasance of an officer of justice in relation to his office.<br>Officers of Courts falsifying records, &c.—see "Forgery."     | Common Law.                               | Misdemeanor; fine and imprisonment.                                                                                        |
| <b>Paper (<i>Bank</i>)—</b>                                                                                                                                                   |                                           |                                                                                                                            |
| Blank bank-notes or imitation—see "Forgery."                                                                                                                                  |                                           |                                                                                                                            |
| <b>Party Processions—</b>                                                                                                                                                     |                                           |                                                                                                                            |
| See Summary Index.                                                                                                                                                            | 13 Vic. c. 2.<br>23 & 24 Vic. c. 41.      | —<br>—                                                                                                                     |
| <b>Penal Servitude—</b>                                                                                                                                                       |                                           |                                                                                                                            |
| Act substituting penal servitude for transportation.                                                                                                                          | 16 & 17 Vic. c. 99.<br>20 & 21 Vic. c. 3. | —                                                                                                                          |
| Where sentence of transportation for 7 years might have been passed, the Court in its discretion may pass sentence of penal servitude for not less than 5 years, in any case. | 20 & 21 Vic. c. 3.<br>27 & 28 Vic. c. 47. | The last Statute makes it not less than 5 years, in any case, nor less than 7, if offender previously convicted of felony. |
| For the recommitting of convicts whose licence has been revoked—see Acts—                                                                                                     | 16 & 17 Vic. c. 99; 20 & 21 Vic. c. 3.    | —                                                                                                                          |



| Offence.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Statute.                                                                                                                                                   | Punishment.                                                                                                                                              |
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| <p><b>Perjury*—</b><br/>Wilful and corrupt perjury, or subornation of perjury.</p> <p>Although Justices may refuse to commit or to hold a person to bail to answer the charge of perjury, they shall, if prosecutor desire it, take his recognizance to prosecute the charge, and transmit any depositions taken as if the accused were committed.</p> <p>Any Judge or Justice of the Peace may direct any person guilty of perjury in evidence before him, to be prosecuted, and commit him, unless he enter into recognizance to take his trial; may bind persons to give evidence, and give certificate of prosecution being directed, which shall be sufficient evidence of same.</p> | <p>Common Law.<br/>3 Geo. ii. c. 4.<br/>17 &amp; 18 Geo. iii. c. 36.<br/>22 &amp; 23 Vic. c. 17.</p> <p>14 &amp; 15 Vic. c. 100, s. 19. and following.</p> | <p>Misdemeanor; fine and imprisonment; or penal servitude for 7, and not less than 5 years.</p> <p>—</p>                                                 |
| <p><b>Personation—</b><br/>Falsely personating owner of share or interest in stocks, or funds transferable at Banks of England or Ireland, body corporate, or society, and endeavouring to transfer or receive same.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <p>24 &amp; 25 Vic. c. 98, s. 3. (27 &amp; 28 Vic. c. 47.)</p>                                                                                             | <p>Felony; penal servitude for life, or not less than 5 years; or imprisonment not exceeding 2 years with or without H. L. and solitary confinement.</p> |

\* *Perjury* at common law is defined to be a wilful, false oath, by one who, being lawfully required to depose the truth in any proceeding in a Court of Justice, swears absolutely, in a matter of some consequence, to the point in question, whether he be believed or not.—*Hawk. P.C.* To support the indictment, there must be proved—the authority to administer the oath, the occasion of doing so, the taking of the oath, the substance of it, the materiality of the matter sworn, the falsity, and the corrupt intention. It is a general rule that *two* witnesses should disprove the fact sworn to, for otherwise it would be one oath against another. This is a rule founded on substantial justice; and evidence confirmatory of the one witness in some slight particular only is not sufficient to warrant a conviction; but it is laid down that strong circumstantial evidence in support of the direct testimony of one witness may turn the scale and warrant the conviction.

*Subornation of Perjury* at common law is the procuring a man to take a false oath, amounting to perjury, the man actually taking such oath; but if he do not actually take it, the person so inciting is not guilty of subornation of perjury, yet he may be punished by fine and corporal punishment.—*Hawk, P.C.*

| Offence.                                                                                                                                                                                                                                                                                                                                 | Statute.                                                              | Punishment.                                                                                                                                                                                                                             |
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| <p><b>Personation—continued.</b><br/>Under any Act not in force, falsely personating another, or falsely acknowledging anything in the name of another, or falsely representing any other person than the real party to be such real party.<br/>For offences under this Act, see title, "Forgeries;" and see also "False Pretences."</p> | 24 & 25 Vic. c. 96, s. 48.                                            | Where same were capital before 1 Wm. iv. c. 66, and not otherwise punishable, under this Act.—Penal servitude for life, or not less than 5 years; or imprisonment not exceeding 2 years, with or without H.L. and solitary confinement. |
| <p>Personating Parliamentary voters, .<br/>In all cases not provided for by statute the offence remains a misdemeanor at Common Law, and the offender is punishable as a cheat.</p>                                                                                                                                                      | 18 & 14 Vic. c. 69, s. 98.<br>Common Law.                             | Two Justices may commit offender for trial. <i>Gab.</i> 384; 2 <i>Ea. P. C.</i> 1010.                                                                                                                                                   |
| <p><b>Piracy—</b><br/>Robbery on the high seas is piracy, .<br/>Assaulting with intent to murder, or doing act to endanger life with intent to commit piracy, or at the time of or immediately before or after piracy.</p>                                                                                                               | Common Law. 11, 12, & 13 Jac. i., c. 2. (Ir.)*<br>1 Vic. c. 88, s. 2. | Cognizable by Court of Admiralty, and punishable as if committed on land.<br>Felony; punishable with death; and for punishment of principals and accessories before fact to offence of piracy, see 5 Vic. Sess. 2, c. 28, ss. 17, 19.   |
| <p><b>Plate—</b><br/>Defacing names or crests on family plate or watches, or employing persons so to do without consent of owner or some person authorized to sell, or unless bought at public auction.<br/>(Under Pawnbrokers Act).</p>                                                                                                 | 28 Geo. iii. c. 49, s. 7.                                             | Misdemeanor; same punishment as for receiving stolen goods.                                                                                                                                                                             |

\* By 11, 12, 13 Jac. i., c. 2, s. 1, (Ir.)—Treason, felonies, robberies, murders, and confederacies committed on sea, or in any other haven, river, creek, or place where the admiral has, or pretends to have jurisdiction, shall be tried, &c., as if done on land, according to the common law, in such shire as shall be limited by the King's commission, under the great seal of *Ireland*, to be directed to the admiral or his deputy, and three or four others nominated by Chancellor; and by 23 Geo. iii., c. 14, commissioners, under 11 Jac. i., c. 2, or any two, may hear and determine offences in said Act with same power as Justices of *Oyer*, &c., or goal delivery have as to offences committed on land. The 1 Vic., c. 88, now prescribes the punishment, and repeals several of the English statutes, but takes no notice of the Irish Act.

| Offence.                                                                                                                                                            | Statute.                                | Punishment.                                                                                                                                       |
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| <b>Poisoning—</b><br>See "Offences against the Person."                                                                                                             |                                         |                                                                                                                                                   |
| <b>Post Office—</b><br>Persons employed, opening, wilfully detaining or delaying, or suffering to be opened, &c., any letter.                                       | 1 Vic., c. 36,<br>ss. 25, 42.           | Misdemeanor, fine, and imprisonment, or either with or without H. L. and solitary confinement.                                                    |
| Stealing, or for any purpose embezzling, secreting, or destroying a post letter.                                                                                    | ss. 26, 42.<br>(27 & 28 Vic.<br>c. 47.) | Felony; penal servitude 7 years, or not less than 5 years; or imprisonment not exceeding 3 years, with or without H.L. and solitary confinement.* |
| But if such letter contain any chattel, money, or valuable security.                                                                                                | 1 Vic. c. 36,<br>ss. 26, 42.            | Felony; penal servitude for life, or not less than 5 years; or imprisonment not exceeding 3 years, with or without H.L. and solitary confinement. |
| Any person stealing chattel, money, or valuable security, out of post letter.                                                                                       | ss. 27, 41, 42.                         | Felony; penal servitude for life, or not less than 5 years; or imprisonment not exceeding 4 years, with or without H.L. and solitary confinement. |
| Stealing post letter bag, or post letter from bag, or from a post office, or from officer of, &c., or from a mail, or to stop a mail, with intent to rob or search. | ss. 28, 41, 42.                         | Felony; like punishment.                                                                                                                          |
| Stealing or unlawfully taking away letter bag sent by post office packet, or a letter thereout, or unlawfully opening such bag.                                     | ss. 29, 41, 42.                         | Felony; penal servitude for 14, or not less than 5 years; or imprisonment not exceeding 3 years, with or without H.L. and solitary confinement.   |

\* See Acts substituting penal servitude for transportation. By the amended Act 27 & 28 Vic., c. 47, where penal servitude can be awarded, it shall be 5 years at least, and not less than 7, where the offender has been previously convicted of felony.

By 1 Vic. c. 90, s. 5—Solitary confinement shall not exceed one month at a time, nor exceed three months in a year. Section 5 of this Act is unreppealed.

| Offence.                                                                                                                                                                                                                                                            | Statute.                                            | Punishment.                                                                                                                            |
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| <b>Post Office—continued.</b><br>Knowingly receiving letter, letter bag, chattel, money, security, &c., where the taking, embezzling, &c., amounts to felony under Post Office Acts.                                                                                | 1 Vic. c. 36, ss. 30, 41, 42. (27 & 28 Vic. c. 47). | Felony; penal servitude for life, or not less than 5 years; or imprisonment not exceeding 4 years, with or without H.L. and sol. conf. |
| Fraudulently retaining, secreting or detaining, or after being required by officer of the post office, neglecting or refusing to deliver up letter which ought to have been delivered to any other person, or post letter bag, or post letter, by whomsoever found. | ss. 31, 42.                                         | Misdemeanor; fine and imprisonment; with or without H.L. and solitary confinement.                                                     |
| Officers stealing, destroying, or delaying, &c., printed votes or proceedings in Parliament, newspapers, or other papers, open at the sides.                                                                                                                        | ss. 32, 42.                                         | Misdemeanor; fine and imprisonment, or either with or without H.L. and sol. confinement.                                               |
| Soliciting any other to commit felony or misdemeanor against Post Office Acts.                                                                                                                                                                                      | ss. 36, 42.                                         | Misdemeanor; imprisonment not exceeding 2 years, with or without H.L. and solitary confinement.                                        |
| Aiders and abettors in misdemeanors, punishable as principals.<br>In felonies, under Post Office Acts, principals, in second degree, and accessories before the fact.<br>For other matters, see Summary Index.                                                      | ,,<br>ss. 35, 42.                                   | —<br>Felony; punishable as principals in the first degree.                                                                             |
| Found—<br>See Summary Index.                                                                                                                                                                                                                                        |                                                     |                                                                                                                                        |
| Pretence ( <i>False</i> )—<br>See "Larceny, &c."                                                                                                                                                                                                                    |                                                     |                                                                                                                                        |
| Prison—<br>See Summary Index; title, "Gaol and Gaoler."                                                                                                                                                                                                             |                                                     |                                                                                                                                        |
| Principals ( <i>in second Degree</i> )—<br>In "Offence against the Person," "Larceny," "Malicious Injuries," "Forgery," "Coin,"—see these titles.                                                                                                                   |                                                     |                                                                                                                                        |

| Offence.                                                                                                                                                                                                                                                                          | Statute.                                                          | Punishment.                                                                                                 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|
| <b>Prize Fighting—</b><br>Prize fighting and boxing matches are unlawful, and if death ensue, it is manslaughter.— <i>East., P.C. 270.</i> Seconds and other who encourage and remain during the fight, are equally guilty of manslaughter.— <i>R. V. Murphy, 6 Car. &amp; P.</i> |                                                                   | See also title, "Affray," Summary Index.                                                                    |
| <b>Public Company—</b><br>Officers of, appropriating property, &c.—see "Larceny."                                                                                                                                                                                                 |                                                                   |                                                                                                             |
| <b>Public Worship—</b><br>See "Disturbing Public Worship."                                                                                                                                                                                                                        |                                                                   |                                                                                                             |
| <b>Rabbit—</b><br>Killing in warren by night—see "Larceny;" and see "Larceny," in Summary Index, and title, "Game."                                                                                                                                                               |                                                                   |                                                                                                             |
| <b>Railway—</b><br>See "Offences against the Person," and "Malicious Injuries;" and Summary Index, title "Railway."                                                                                                                                                               |                                                                   |                                                                                                             |
| <b>Rape*—</b><br>See also "Offences against the Person."                                                                                                                                                                                                                          | 24 & 25 Vic. c. 100, s. 48. (27 & 28 Vic. c. 47.)                 | Felony; penal serv. for life, or not less than 5 years; or imp. not exceeding 2 years, with or without H.L. |
| <b>Receivers—</b><br>Receiving stolen child—see "Offences against the Person."<br>Receiving stolen goods, or obtained by false pretences—see "Larceny."                                                                                                                           | 24 & 25 Vic. c. 100, s. 56.<br>24 & 25 Vic. c. 96, ss. 91. to 97. | —<br>—                                                                                                      |
| <b>Rescue†—</b><br>Rescuing distress for rent, . . .                                                                                                                                                                                                                              | 4 Geo. i. c. 5, s. 1 (Ir.)                                        | Misdemeanor; fine at discretion, and in default, imp. not exceeding 6 months, nor less than 3 months H.L.   |

\* *Rape*.—Is the having carnal knowledge of a woman by force, and against her will.

† *Rescue*.—Is the forcibly freeing of another from arrest or imprisonment; and whether it be felony or not depends upon the nature of the offence for which th-

\* \*

| Offence.                                                                                                                                                                                                                                                                                     | Statute.                                          | Punishment.                                                                               |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|-------------------------------------------------------------------------------------------|
| <b>Rescue—continued.</b><br>Rescuing cattle about to be impounded (but see Summary Index, title "Pound.")<br>Under particular statutes, 31 Geo. iii., c. 17, ss. 10 & 11; 51 Geo. iii., c. 63; s. 5; 1 & 2 Geo. iv., c. 88, s. 1; 1 & 2 Wm. iv., c. 44, s. 55; 7 Wm. iv.; and 1 Vic., c. 91. | 6 Geo. iv.<br>c. 43, s. 2.                        | Misdemeanor; fine and imprisonment.                                                       |
| <b>Restitution (of stolen property)—</b><br>See "Larceny."                                                                                                                                                                                                                                   | 24 & 25 Vic.<br>c. 96, s. 100.                    | —                                                                                         |
| <b>Reward—</b><br>Taking, for helping to return stolen goods, or advertising reward, &c.—see "Larceny."                                                                                                                                                                                      | ss. 101, 102.                                     | —                                                                                         |
| <b>Riot*—</b>                                                                                                                                                                                                                                                                                | Common Law.                                       | Misdemeanor; fine and imprisonment (unless where made felony by some particular statute). |
| <b>Riot Act†—</b><br><br>Damage to buildings, &c., by rioters—see "Malicious Injuries;" and see also "Party Processions and Emblems," set out in Summary Index.                                                                                                                              | 27 Geo. iii.,<br>c. 15; 5 Vic.<br>sess. 2, c. 28. | Felony, if disobeyed.                                                                     |

party rescued was in custody; but it seems that although offender in custody for felony, but not convicted, the rescue would be only a misdemeanor.—1 *Russ.*, 385. The allegation must be proved by showing that the act was done forcibly, and against the will of the officer who had the party rescued in custody.

\* A riot is defined to be a tumultuous disturbance of the peace by three persons or more assembled together of their own authority, with an intent mutually to assist one another against any one who shall oppose them in the execution of some enterprise of a private nature, and afterwards actually executing the same in a violent and turbulent manner, to the terror of the people, whether the Act intended were of itself lawful or unlawful.—*Hawk., P.C.*, b. 1, c. 65, s. 1.

*Form of Proclamation.*—"Our Sovereign Lord the King (*Lady the Queen may be substituted*) chargeth and commandeth all persons being assembled immediately to disperse themselves, and peaceably to depart to their habitations, or to their lawful business, upon the pains contained in the Act made in the 27th year of King George the Third, to prevent tumultuous risings and assemblies."

† If the Magistrate finds that the riot cannot be otherwise quelled he should read aloud the Riot Act. He need not wait until the disturbance has amounted strictly to what the law calls a riot; if there be such an assembly that there would be a riot

| Offence.                                                                                                                                                                                                                                      | Statute.    | Punishment.                                                                                                                                                                                                                                                                                                 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Robbery—</b><br>See "Offences against the Person,"<br>and "Larceny."                                                                                                                                                                       |             |                                                                                                                                                                                                                                                                                                             |
| <b>Sacrilege—</b><br>See "Larceny in Place of Worship,"<br>&c.                                                                                                                                                                                |             |                                                                                                                                                                                                                                                                                                             |
| <b>Sea—</b><br>Offences committed at—in "Offences<br>against the Person," in "Larceny,"<br>"Malicious Injuries," "Forgery,"<br>"Coin,"—see particular title; and<br>under the "Merchant Shipping<br>Act," see this title in Summary<br>Index. | —           | All indictable offences<br>committed against<br>these Acts, within ju-<br>risdiction of the Ad-<br>miralty, shall be deem-<br>ed to be of the same<br>nature, and liable to<br>same punishment as if<br>committed on land in<br>England or Ireland,<br>and may be tried<br>where offender is in<br>custody. |
| <b>Search Warrant—</b><br>See "Summary Index."                                                                                                                                                                                                |             |                                                                                                                                                                                                                                                                                                             |
| <b>Sedition*—</b><br>See "Unlawful Assembly," "Riot,"<br>and "Party Processions."                                                                                                                                                             | Common Law. | Misdemeanor.                                                                                                                                                                                                                                                                                                |

if the parties were to carry their purpose into effect it is enough, *R. v. Woolcock*, C. & P. 516. This is a step *in terrorem* and of gentleness, but it is not made a necessary step as he may instantly repel force by force. All persons who remain riotously assembled to the number of 12 or upwards for the space of one hour after proclamation made are guilty of a capital felony, 27 Geo. iii., c. 15, s. 1. When the proclamation has been more than once read the hour will be counted from the first reading. "But it should not be imagined that because the law allows an hour for the dispersion of a mob, the civil power and the Magistracy during that time are disarmed, no such meaning was within view of the Legislature, nor does the operation of the Act warrant any such effect. The Civil Magistrates are left in possession of those powers which the law had given them before." *Lord Loughborough*, C. J. 21, St., Tr. 493.—*Hayes Crim. Law.*

Any Magistrate present or called upon is bound to interfere. A justice having power to interfere for the preservation of the peace, it becomes a criminal offence punishable on information if he refuse. *R. v. Kennett*, 5 C. & P. 282.

\* Attacks, whether by speaking or writing, the object of which is wantonly to calumniate the system of law and government, or indecorously assail the King or constitution of the country, are indictable as misdemeanor. What will amount to sedition, and what is to be adjudged a legitimate discussion and criticism on the measures of the King and Government is, however, a question of great nicety.—*See Gabbett*, 647, and also *Report of the Criminal Law Commissioners.*

| Offence.                                                                                                                                                                                                 | Statute.                                                                                                 | Punishment.                                                                        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|
| <b>Ship—</b><br>See "Offences against the Person," and "Malicious Injuries;" offering shipwrecked goods for sale, see "Larceny;" masters forcing men ashore, see "Merchant Shipping Act," Summary Index. |                                                                                                          |                                                                                    |
| <b>Shooting at—</b><br>See "Offences against the Person."                                                                                                                                                |                                                                                                          |                                                                                    |
| <b>Slander*—</b>                                                                                                                                                                                         | Common Law.                                                                                              | Misdemeanor.                                                                       |
| <b>Slave Trade (Abolition Act)—</b><br>Conveying, detaining, &c., any person for the purpose of being sold, &c.; or in any way dealing in or being connected with the slave trade.                       | 5 Geo. iv, c. 113.                                                                                       | Felony; and petty officers and seamen knowingly serving in such ship, misdemeanor. |
| <b>Smuggling—</b><br>See Summary Index; titles, "Customs," "Excise."                                                                                                                                     |                                                                                                          |                                                                                    |
| <b>Sodomy—</b><br>See "Offences against the Person."                                                                                                                                                     |                                                                                                          |                                                                                    |
| <b>Soliciting—(to Murder)—</b><br>See "Offences against the Person."                                                                                                                                     |                                                                                                          |                                                                                    |
| <b>Solitary Confinement—</b><br>To what extent may be—see "Offences against the Person;" "Larceny;" "Malicious Injuries;" "Forgery;" "Coin."                                                             | 24 & 25 Vic. c. 100, s. 70. c. 96, s. 119. c. 97, s. 75. c. 98, s. 53. c. 99, s. 40. 1 Vic. c. 90. s. 5. | Not exceeding 1 month at a time, and not exceeding 3 months in a year.             |
| And generally under, . . .                                                                                                                                                                               |                                                                                                          | —                                                                                  |
| <b>Spring-Guns (Setting)—</b><br>See "Offences against the Person."                                                                                                                                      |                                                                                                          |                                                                                    |

\* Mere words spoken of an individual are not generally indictable, unless they tend to a breach of the peace, as, if they convey a challenge; but to speak slanderous and contemptuous words of a magistrate in execution of his office is a misdemeanor,—*Gab.* 654. Spreading false news, with a mischievous intent, and eavesdropping, with the purpose of propagating slander, are also misdemeanors at common law. A woman may also be indicted for being a common scold.—*Gab.* 319; *Black. Com.* (See also "*Libel*" and "*Sureties to keep the Peace*," &c.—*Summary Index.*)



| Offence.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Statute.                                                                                                                                                                                 | Punishment.                                                                                                                                                                                                                                                                                                            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Stamps—</b><br>See "Summary Index."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                        |
| <b>Stealing—</b><br>See "Larceny."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                        |
| <b>Stolen Property—</b><br>Receiving and Restoring—see "Larceny."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                        |
| <b>Subornation —</b><br>See "Perjury."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                        |
| <b>Threatening—</b><br>To accuse of crime, letter, &c. with intent to extort, &c.—see "Larceny."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                        |
| To destroy buildings, ships, &c.—see "Malicious Injuries."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                        |
| To murder—see "Offences against the Person."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                        |
| <b>Transportation—</b><br>Acts substituting penal servitude for transportation.<br><br>See "Penal Servitude."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 16 & 17 Vic. c. 99; 20 & 21 Vic. c. 3.                                                                                                                                                   | —                                                                                                                                                                                                                                                                                                                      |
| <b>Treason—</b><br>Compassing the death of the King, Queen Consort, or eldest son and heir; violating Queen Consort or King's eldest daughter unmarried, or wife of eldest son; levying war against the King; being adherent to, aiding, or comforting the King's enemies; slaying the Chancellor or Judges in execution of their office; rebelling or conspiring against Lord Lieutenant, or urging the Irish to make war on the English; wishing or practising harm to the King or his heirs, or pronouncing him a heretic, usurper, or detaining his fortresses; by writing or other exterior acts doing anything to the peril of the King's person, or disturbing the succession to the Crown | 25 Edw. iii. stat. 5, c. 2.<br>10 Hen. vii. c. 13 (I.)<br>28 Hen. viii. c. 7. (I.)<br>33 Hen. viii. c. 1 (I.)<br>2 Eliz. c. 1, s. 12.<br>2 Anne, c. 5, s. 1 (I.)<br>54 Geo. iii. c. 146. | To be drawn on a hurdle to the place of execution, and there hanged till dead; the head to be then severed from the body; the body divided into four quarters, to be disposed of at the King's pleasure. The sovereign may, by warrant, alter this sentence.<br><br>If offender be a woman, the punishment is hanging. |

| Offence.                                                                                                                                                                                                                                                                                     | Statute.                  | Punishment.                                                                                             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|---------------------------------------------------------------------------------------------------------|
| <p><b>Treason—continued.</b><br/>of Ireland; maintaining or defending the authority of any foreign prince or prelate; disappointing the succession as directed by the Act of Settlement.</p>                                                                                                 |                           |                                                                                                         |
| <p><b>Treasonable Felony*—</b><br/>Act "for the better securing the Crown and Government of the United Kingdom."</p>                                                                                                                                                                         | 11 & 12 Vic. c. 12.       | —                                                                                                       |
| <p>Compassing, imagining, &amp;c., to depose or deprive the Queen, her heirs, or successors, of style. &amp;c., or Crown of United Kingdom or other dominions; uttering, publishing, &amp;c., such compassing, open speaking, &amp;c., or by overt act.</p>                                  | 11 & 12 Vic. c. 12, s. 3. | Felony; penal servitude for life, or not less than 7 years; or imprisonment not exceeding 2 years, H.L. |
| <p>Compassing, &amp;c., to levy war to force a change of measures or counsels, to intimidate or overawe either House of Parliament; or uttering, &amp;c.; or to move foreigners to invade any of Her Majesty's dominions; uttering or declaring such compassing &amp;c., or any of them.</p> |                           |                                                                                                         |
| <p><b>Trees—</b><br/>See "Larceny" and "Malicious Injuries;" and these titles in Summary Index.</p>                                                                                                                                                                                          |                           |                                                                                                         |
| <p><b>Unlawful Assembly†—</b><br/>Joining, countenancing, or supporting, See also "Riot," "Arms," and "Party Processions and Emblems," Summary Index.</p>                                                                                                                                    | Common Law.               | Fine and imprisonment, or either.                                                                       |

\* Treason, or treasonable felony, are not bailable except by order of Lord Lieutenant, Chief Secretary, or Court of Queen's Bench—14 & 15 Vic., c. 93, s. 15.

† An unlawful assembly is a disturbance of the peace by persons barely assembling together, with an intention to do a thing which, if it were executed, would make them rioters, but neither actually executing it, nor making a motion towards its execution.—5 C & P., 154.

Any meeting whatsoever of great numbers of people, with such circumstances of

| Offence.                                                                                                                                                                                                             | Statute.                     | Punishment.                                                                                                                                                                                                                                                                                                                                                                        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Unlawful Oaths—</b><br>See "Oaths."                                                                                                                                                                               |                              |                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Unnatural Offences—</b><br>See "Offences against the Person."                                                                                                                                                     |                              |                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Vagrancy—</b><br>See "Poor Law," Summary Index.                                                                                                                                                                   |                              |                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Vegetable Productions—</b><br>See "Larceny" and "Malicious Injuries," in this and Summary Index.                                                                                                                  |                              |                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Vexatious Indictments—</b><br>To prevent vexatious indictments for certain misdemeanors :—perjury, conspiracy, obtaining money under false pretences, keeping gambling-house, disorderly house, indecent assault. | 22 & 23 Vic.<br>c. 17, s. 1. | Bills not to be presented to or found by Grand Jury, unless prosecutor, &c., be bound by recognizance to prosecute, &c., or unless accused has been committed or bound by recognizance to appear and answer charge; or unless prosecution directed by Judge of Superior Court or Attorney-General (or in case of perjury, by directions of Court, or Judge, &c., where committed). |
| Where Justice refuses to commit or to bail person charged to appear for any of the offences aforesaid to be tried for same, and if prosecutor desires to prefer bill of indictment for the offence—                  | —                            | The Justice is required to take recognizance of the prosecutor to prosecute charge, and transmit any depositions taken in same manner as if the accused were committed for trial for the offence.                                                                                                                                                                                  |

terror as cannot but endanger the public peace, and raise fears and jealousies among the King's subjects, seems properly to be called an unlawful assembly.—1 *Hawk*, c. 65, s. 9.

Any meeting under such circumstances as, according to the opinion of rational and firm men, are likely to produce danger to the tranquility and peace of the neighbourhood, is an unlawful assembly.—*Alderson, B.; Reg. v. Vincent*, 9 C. & P., 109.

| Offence.                                                                                                                                                                                                                                                          | Statute.                                             | Punishment.                                                                                                                                       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Warrant to Search—</b>                                                                                                                                                                                                                                         |                                                      |                                                                                                                                                   |
| See "Search-Warrant," Summary Index.                                                                                                                                                                                                                              | —                                                    | For form of search-warrant, see Schedule to Petty Sessions Act.                                                                                   |
| <b>Whiteboy (Act)—</b>                                                                                                                                                                                                                                            |                                                      |                                                                                                                                                   |
| Persons assembling armed or disguised wearing unusual badge or uniform, assuming unusual names, &c., and so acting to the terror of Her Majesty's subjects.                                                                                                       | 15 & 16 Geo. iii. c. 21 (Ir.)<br>40 Geo. iii. c. 96. | —                                                                                                                                                 |
| By force or menace tendering oath or engagement.                                                                                                                                                                                                                  | "                                                    | Misdemeanor; fine, imprisonment, and whipping; and finding sureties to keep the peace, at discretion of the Court.                                |
| By drums, music, fire, signal, &c., knowingly exciting, promoting, &c., unlawful meetings.                                                                                                                                                                        | "                                                    | Misdemeanor; fine and imprisonment.                                                                                                               |
| By force or threats attempting to compel persons to quit dwellings, habitations, service, &c.; assaulting dwelling houses, &c.; breaking into premises forcibly or by threats; maliciously injuring property; taking away cattle or chattels; injuring crops, &c. | 1 & 2 Wm. iv. c. 44, s. 2.<br>(27 & 28 Vic. c. 47.)  | Misd.; penal servitude for life, or not less than 5 years; or imprisonment not exceeding 3 years, with or without H. L., and male may be whipped. |
| Printing, writing, sending, or causing, &c., notices, &c., tending to excite unlawful meeting or combination; threatening violence, &c.; demanding money, arms, &c.; requiring any person to do or not to do any act.                                             | "                                                    | Penal servitude 7, and not less than 5 years; or imprisonment not exceeding 3 years. Male may be whipped.                                         |
| Abetting or encouraging others, .<br>See also "Riot;" "Unlawful Assemblies;" "Oaths;" and in Summary Index — "Party Processions;" "Malicious Injuries by Rioters;" "Arms."                                                                                        | "                                                    | Like.                                                                                                                                             |
| <b>Witness—</b>                                                                                                                                                                                                                                                   |                                                      |                                                                                                                                                   |
| Refusing to attend or give evidence— see Petty Sessions Act, 14 & 15 Vic., c. 93, s. 13 (Appendix).                                                                                                                                                               |                                                      |                                                                                                                                                   |
| <b>Worship—</b>                                                                                                                                                                                                                                                   |                                                      |                                                                                                                                                   |
| See "Disturbing Public Worship."                                                                                                                                                                                                                                  |                                                      |                                                                                                                                                   |

| Offence.*                                                                                                                                                                                                                                                                                                                                  | Statute.                                                                                                                                                                                        | Punishment.                                                                                                                                                                                                                                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Wreck and Salvage—</b><br/>           See "Merchant Shipping Act,"</p> <p>And see Summary Index — title,<br/>           "Merchant Shipping Act."</p> <p>Stealing from wreck, . . . . .</p> <p>Destroying wrecks, or articles belong-<br/>           ing thereto.</p> <p>See "Larceny" and "Malicious In-<br/>           juries."</p> | <p>17 &amp; 18 Vic.<br/>           c. 104, part 8,<br/>           s. 477, &amp;c.</p> <p>24 &amp; 25 Vic.<br/>           c. 96, s. 64.</p> <p>24 &amp; 25 Vic.<br/>           c. 97, s. 49.</p> | <p>The former Acts (1 Vic. c. 87, and 9 &amp; 10 Vic. c. 99), on this subject are repealed; the first, by the Criminal Statutes Repeal Act, 24 &amp; 25 Vic. c. 95, and the latter by the Merchant Shipping Repeal Act, 17 &amp; 18 Vic. c. 120.</p> |

## APPENDIX.

### SCALE OF IMPRISONMENT.

*Under Petty Sessions Act, 14 & 15 Vic., c. 93, sec. 22.*

In all cases of summary jurisdiction it shall be lawful for the Justices in adjudicating thereon to exercise the following general powers, whether the same shall be authorized by the Act under which the complaint shall be made or not:—

In every case of an offence, where they shall order that distress shall be made in default of payment of any penal sum, they may order that in default of the said sum being paid as directed, the said person shall be imprisoned for any term not exceeding the period specified in the following scale :

| For any sum                                         | The imprisonment<br>not to exceed |
|-----------------------------------------------------|-----------------------------------|
| Not exceeding 5s. . . . .                           | One week.                         |
| Exceeding the last, but not exceeding 10s. . . . .  | Two weeks.                        |
| Exceeding the last, but not exceeding £2 . . . . .  | One month.                        |
| Exceeding the last, but not exceeding £5 . . . . .  | Two months.                       |
| Exceeding the last, but not exceeding £10 . . . . . | Three months.                     |
| Exceeding the last, but not exceeding £30 . . . . . | Four months.                      |
| Exceeding the last, but not exceeding £50 . . . . . | Six months.                       |
| Exceeding the last . . . . .                        | One year.                         |

Under the Larceny Act 24 & 25 Vic., c. 96, s. 107, and Malicious Injuries Act, 24 & 25 Vic., c. 97, s. 65, it is provided that, unless where otherwise specially directed, the imprisonment may be with or without hard labour, for not exceeding two months, where forfeiture, or penalty or both, and the costs, shall not exceed £5; and not exceeding four months, where the amount, with costs, shall not exceed £10; and not exceeding 6 months, in any other case.

*See Petty Sessions Act, sec. 22 and note thereon hereinafter.*

A provision in a social Act shall not give a Justice power to mitigate a penalty below that given in the public Act creating the offence, 27 & 28 Vic. c. 110, s. 1.

## THE FINES ACT (IRELAND), 1851.

14 &amp; 15 Vic. c. 90.

Sec. 1. Officers who shall enter and account for fines, &amp;c..

" The clerk of Petty Sessions for each Petty Sessions.

2. All fines, &amp;c., to be entered in a book.

3. Time of issuing and form of warrant to be as directed by Petty Sessions (Ireland) Act, 1851.

4. To whom warrants shall be addressed (as in Petty Sessions Act).

5. Sums levied by Constabulary under warrants, or paid to gaoler or bridewell-keeper, to be paid to officer of Court. Collection of fines.

6. Manner in which penalties shall be accounted for.

12. Receipts not to be subject to stamps.

13. "In every case where the Act under which any penal sum shall be ordered to be paid as a penalty for an offence (and no sum shall be awarded to the complainant as a compensation for damage), it shall be lawful for the Court to award any sum not exceeding one-third of such penalty to the prosecutor or informer, and the remainder of such penalty, and all other penalties, shall be awarded to the Crown, any Act or Acts to the contrary notwithstanding. Provided always that nothing herein contained shall be construed to alter the appropriation or application of any fine or penalty imposed at any of the divisional police offices of Dublin metropolis, or by the Justices in any corporate town, and payable to any borough fund, but the same shall continue to be appropriated and applied as is now by law authorized, and shall be paid over to the same purposes from time to time, in such manner and at such times as the Chief or Under Secretary to the Lord Lieutenant shall direct."\*

14. Crown fines to be lodged in the bank.

19. Fines and Penalties Act 6 &amp; 7 Vic., c. 56, repealed.

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 PETTY SESSIONS (STAMPS) ACT.

21 &amp; 22 Vic., c. 100.

"An Act to regulate the Office of Petty Sessions in Ireland."  
(2nd August, 1858.)

Sec. 14. "Every document enumerated in the Schedule (C) to this Act annexed shall, after the first day of January, 1859, be printed or written upon paper bearing a stamp denoting the amount or value set opposite to such document in that Schedule; and where any such document shall consist of more than one sheet, the first sheet only shall be impressed with the stamp; and no fees other than those contained in Schedule (C), nor any stamp duties, shall be payable in respect of any of the documents therein enumerated.

15. Commissioners of Inland Revenue to provide dies for denoting fees, either by impressed or adhesive stamps, &c.

16. Power to Justices to enforce payment of stamps on complaint of Clerk of Petty Sessions, to be enforced under the provisions of the Petty Sessions (Ireland) Act, 1851.

\* The 21 & 22 Vic., c. 100, s. 28, enacts that fines and penalties under the Fishery Acts shall be applied as directed by 11 & 12 Vic. c. 92; and the 85 sec. of this latter directs that one-third shall go to the informer, the other two-thirds to the conservators of the district.

## SCHEDULE (C).

| <i>Forms.</i>                                                                                                                                              | <i>Stamps.</i> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
|                                                                                                                                                            | <i>s. d.</i>   |
| On every summons and copy,* . . . . .                                                                                                                      | 0 6            |
| On every information or deposition, . . . . .                                                                                                              | 1 0            |
| (The recognizance to bind the deponent to prosecute or give evidence, may be added at foot without any further stamp duty).                                |                |
| On every solemn declaration (not being a declaration as to loss of pawnbrokers' duplicates, or as to the admission of paupers into workhouses),† . . . . . | 1 0            |
| On every copy of any written information or complaint in summary proceedings, . . . . .                                                                    | 0 6            |
| On every warrant, . . . . .                                                                                                                                | 0 6            |
| On every recognizance, when not at foot of an information or deposition, . . . . .                                                                         | 1 0            |
| On the entry of each order, . . . . .                                                                                                                      | 0 6            |
| On every certificate of order, . . . . .                                                                                                                   | 1 0            |
| On every appeal, including the recognizance to prosecute, . . . . .                                                                                        | 2 0            |
| On every notice of appeal to be served on the respondent,‡ . . . . .                                                                                       | 1 0            |
| On every other notice in proceedings by or before Justices, when such notice is drawn by the Petty Sessions Clerk,§ . . . . .                              | 0 6            |
| On every form, other than the aforesaid, upon which any fee is now payable by law to the Clerks of Petty Sessions, any sum not exceeding . . . . .         | 2 6            |

## SMALL DEBTS ACT.¶

“ Act for the abolition of Manor Courts, and the better Recovery of Small Debts in *Ireland*.” (19th April, 1859).

22 Vic., c. 14.

Whereas the continued existence of Manor Courts in *Ireland* has been found prejudicial to the proper administration of justice: And whereas it is expedient that such Manor Courts should be

\* Stamp to be placed on original summons.

† Pensioners' declarations, if taken before a Magistrate (out of Sessions) need not be stamped.—*Circular*, 9 June, 1859.

Muster rolls and accounts, and pay and pension lists, which are required to be verified by declaration, exempt by Mutiny Act, 22 Vic., c. 4, sec. 100, and *Circular*, 21 April, 1859.

‡ Thus, on a party lodging an appeal, the officer of the Court will be entitled to receive 3s., that is 2s. on the appeal and recognizance, and 1s. on the notice, besides costs of service.

§ It would appear that the Clerk may prepare notices to quit in ejectment cases, and stamp such. He may also prepare (and perhaps is bound to do so) notices of appeal, to be served on himself or the Magistrates by parties feeling aggrieved, as being a proceeding in Petty Sessions.

For the form of notice required by section 8, par. 6, see schedule forms.

¶ For opinions on Act, see title, “ Debts,” Summary Index.



abolished: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present parliament assembled, and by the authority of the same as follows:—

1. From and after the passing of this Act all the said several Manor Courts in *Ireland* shall be abolished, and from and after the passing of this Act no action or suit shall be commenced in any of the said Courts: Provided always, that the abolition of such Manor Courts shall not alter or affect any other franchise or manorial right, or any right to head money, leet money, or leet silver, or any other right appertaining to any manor which now by law may be exercised or exists, except where the seneschal is the returning officer of any borough within the said manor, in which case it is hereby enacted that the sheriff for the time being of the county in which such borough may be situated shall henceforth be the returning officer in lieu of the said seneschal; provided also, that all proceedings commenced in the said Manor Courts before the passing of this Act shall be continued until decree or dismissal pronounced, as if they had been commenced and finally determined before this Act passed.

Manor Courts abolished, but certain Manorial Rights preserved.

2. All judgments, orders, or decrees obtained in any of the Courts hereby abolished shall, notwithstanding the passing of this Act, be valid and effectual, and capable of being enforced by the process of the several Courts in *Ireland* held by the Chairmen of Quarter Sessions, in the same manner and by the same process as the decrees pronounced in the said Courts are now by law enforced; and the records, muniments, and writings of the several Courts abolished by this Act shall, as soon as conveniently may be after the passing of this Act, be placed under the charge and superintendance of the Clerk of the Peace, and be deposited and kept by him with the other records of the county.

Existing Judgments, Orders, and Decrees valid, to be enforced in county Courts by Chairman of Quarter Sessions.

3. It shall be lawful for the respective Chairmen of Quarter Sessions of the several counties in *Ireland*, and the Recorders of *Dublin*, *Cork*, *Galway*, and *Londonderry*, within the limits of their respective jurisdictions, to renew all decrees and dismisses made and pronounced by the several seneschals or stewards of the said Manor Courts hereby abolished prior to this Act receiving the Royal Assent, and every such renewed decree or dismiss shall be deemed a renewal, decree, or dismiss of the said Chairman and Recorders, as the case may be, and may be executed as such.

Powers to renew Decrees founded on Orders of Seneschals and Stewards.

4. Every seneschal, steward, or registrar or marshal of any Manor Court hereby abolished, in which proceedings have been had according to the course of the Court within one year before the first day of *January* one thousand eight hundred and fifty-nine, and who shall show that he is legally entitled to such office, shall be entitled to make a claim for compensation to the Commissioners of Her Majesty's Treasury within six calendar months after the passing of this Act; and it shall be lawful for the said Commissioners, in such manner as they shall think fit, to inquire what was the nature of the office, and what was the tenure thereof, and what were the lawful fees actually received in respect of which such compensation should be allowed, and the Commissioners shall in each case award such gross or yearly sum, and for such time, as they shall think just, to be awarded, upon the consideration of the

Power to award compensation to existing Seneschals, Stewards, &c.

special circumstances of each case, and all such compensation shall be paid out of such moneys as may be provided by Parliament for the purpose.

Power to  
Justices at  
Petty  
Sessions to  
hear and  
determine  
cases for  
recovery of  
debts not ex-  
ceeding two  
pounds.

5. And whereas it is enacted by the Fourteenth and Fifteenth *Victoria*, Chapter ninety-two, that it shall be lawful for any Justice or Justices at Petty Sessions to hear and determine certain disputes concerning any sums due for wages, or for hire of any horse, or for tuition, and to make such order as they shall see fit for payment, provided the sum shall not exceed ten pounds: And whereas by Seventeenth Section of the said Act Justices are authorized to make awards as to disputes at sales in fairs and markets where the value does not exceed five pounds: And whereas it might be useful and beneficial to extend the said powers, and to authorize any Justice or Justices at Petty Sessions in like manner to hear and determine disputes concerning any sums of money which shall be due for small debts between party and party: Be it therefore enacted, That it shall be lawful for the Justice or Justices at Petty Sessions to hear and determine causes for the recovery of debts between party and party under the value of two pounds, where the right to recover such debts shall have accrued within twelve calendar months before the day of the date of the process herein-after mentioned, and having heard what each party shall have had to say, and the evidence adduced by each, shall either make an order for the payment of the sum claimed, or shall dismiss the complaint, either upon the merits or without prejudice, and with or without costs, not exceeding five shillings, in the form in Schedule A., and shall direct execution by the seizure and sale of the defendant's or plaintiff's goods: Provided always, that it shall be lawful for either party to appeal from such order or decision of such Justice or Justices to the Chairman of the Quarter Sessions in the Civil Court at the next General Quarter Sessions held in the same division and district of the county, the said sessions being held next immediately after such decision at Petty Sessions by such Justice or Justices when the order shall be made by the Justice or Justices in any Petty Sessions districts, or to the Recorder at his next Sessions when the order shall be made by the Divisional Justices in the Police District of *Dublin* Metropolis, or to the Recorder of any corporate or borough town: Provided always that no such right of appeal shall exist unless three clear days shall elapse between the time when such order shall be made and such appeal can be heard; and if three days do not elapse the appeal shall be made to and heard at the next succeeding Sessions for the division and district, which appeal the said Justice or Justices are hereby required to receive, and stop all proceedings on such order at Petty Sessions, the party appealing, if a defendant, first lodging with the Clerk at Petty Sessions the amount ordered to be paid by the said Justice or Justices, or entering into a recognizance of appeal in manner prescribed by the Summary Jurisdiction (*Ireland*) Act, 1851, Section twenty-four, and if a plaintiff, to deposit the sum of five shillings as and for costs on the hearing of such appeal; and such Chairmen and Recorders are hereby respectively required and empowered to hear such appeal, and to issue a decree and execution thereon, in like manner and form as if such appeal had been brought before such Chairman and Recorders as an original Civil Bill under the

Power to  
appeal to  
Quarter  
Sessions.

Fourteenth and Fifteenth *Victoria*, Chapter fifty-seven, and with like costs, but without further appeal.

6. The process to be served upon the defendant in all cases, requiring him to appear before the Justice or Justices at Petty Sessions, and the orders made thereon, shall be in the Form I. and II. in the Schedule A. to this Act annexed, or as near thereto as the nature of the case will permit, and it shall not be necessary that such process shall be signed by any attorney, but it shall be sufficient if the same be signed by the complainant, or any person on behalf of such complainant; and the said forms shall be severally subject to the following Stamp Duties payable to Her Majesty; that is to say,

Forms of Process as those in Schedule A.

|                                            | <i>s.</i> | <i>d.</i> |
|--------------------------------------------|-----------|-----------|
| For every original process, . . . . .      | 0         | 6         |
| For every copy thereof served, . . . . .   | 0         | 6         |
| For every certificate on appeal, . . . . . | 1         | 0         |

7. Every paper or document in respect of which any fee shall be payable at Petty Sessions, under the Provisions of this Act, shall bear an impressed or adhesive stamp denoting the amount or value of such fee, as the same is specified in Schedule C. of this Act; and such impressed or adhesive stamps shall be supplied and accounted for in the like manner, and shall be subject to the like provisions, rules, and regulations, so far as the same are applicable, as are provided in respect of stamped forms or adhesive stamps by an Act passed in the twenty-first and twenty-second years of the reign of Her Majesty, c. 100.

Stamps to be used in lieu of Fees at Petty Sessions, and to be accounted for as provided by 21 & 22 Vict. c. 100.

8. The duties by this Act granted shall be denominated and deemed to be Stamp Duties, and shall be under the care and management of the Commissioners of Inland Revenue for the time being; and all powers, provisions, clauses, regulations, and directions, Fines and penalties, contained in or imposed by the several Acts of Parliament relating to duties of the same kind or description in force at the time of the passing of this Act shall respectively be of full force and effect with respect to the duties by this Act granted, so far as the same are or may be applicable, as fully and effectually to all intents and purposes as if the same had been herein repeated and specially enacted with reference to the duties by this Act granted.

Duties granted by this Act to be deemed Stamp Duties, and the provisions of the Stamp Acts to apply thereto.

9. The process to appear shall in all cases be served by a process server, duly authorized by the Justice or Justices at Petty Sessions to serve summons, three clear days before the first day of the Petty Sessions at which the case shall be heard, and in no case whatsoever shall any process be served on *Sundays, Good Friday, or Christmas Day*, and service on any of the said days shall be absolutely void; and any such summons server shall be entitled to be paid by the complainant or person for whom he may be employed such sum not exceeding the sum of six pence for the service of each process upon each party as the Justice or Justices shall fix and determine.

Process to be served by Process server authorized by Justices at Petty Sessions.

10. No defendant shall be liable to be sued or proceeded against at Petty Sessions under this Act, or obliged to appear in any cause to be heard and determined at any Petty Sessions held in any other part of the country than at the Petty Sessions held within the

Defendant not to be sued, or obliged to appear, ex-

cept within district of Petty Sessions in which he resides. Occupation of house, &c., deemed a residence.

county and within the Petty Sessions district of such county in which the defendant or defendants reside or resides: Provided always, that if any defendant or defendants shall have and occupy any house, warehouse, counting-house, shop, factory, or office for the sale of goods, or for carrying on any business, within the district of such Petty Sessions district, he shall be deemed to have a residence within such Petty Sessions district. The several fees as set forth in Schedules B. and C. shall be the proper fees payable on any proceedings under the provisions of this Act.

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SCHEDULE A.

(1.)

PROCESS.

Petty Sessions District of \_\_\_\_\_ County of \_\_\_\_\_ *Date.*  
*A.B.* Complainant. *C.D.* Defendant.

The Defendant is hereby required personally to appear before the Justice [*or Justices*] assembled at the Petty Sessions of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ next, to answer the Plaintiff's Bill in an Action for the sum of \_\_\_\_\_, for that the Defendant is indebted to the said Plaintiff in the said sum for [*Goods sold, Money lent, settled Account, &c., &c.*], and in default of such Appearance the said Justices will be required to proceed as to Justice shall appertain.

(Signed) *A.B.* Plaintiff.

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(2.)

*Decree founded on Order.*

\_\_\_\_\_ *Date.*  
*A.B.* Complainant. *C.D.* Defendant.

By the Justices assembled at Petty Sessions held for the District of \_\_\_\_\_; It appearing to the Court that Process to appear at this present Sessions was duly served on the Defendant [*or Defendants*], and that the Defendant [*or Defendants*] is [*or are*] justly indebted to the Plaintiff [*or Plaintiffs*] in the Sum of \_\_\_\_\_ Pounds [*here state Cause of Action*], it is therefore ordered by the Court that the Plaintiff do recover the Sum of \_\_\_\_\_ Pounds, with Costs, and that in default of Payment thereof, and the said Defendant not having appealed from such Order, we order that the Sum of \_\_\_\_\_ Pounds and \_\_\_\_\_ Pounds be levied of the Goods of the said

(Signed) *A.B.* } Justices.  
*C.D.* }

or

*E.F.* Justice.

*Form of Certificate of Appeal.*

Petty Sessions District of \_\_\_\_\_ County of \_\_\_\_\_  
 A.B. Plaintiff. C.D. Defendant.

Whereas an Order having this day been made that the Defendant shall pay to the Plaintiff the Sum of \_\_\_\_\_ Pounds [or that the Plaintiff be dismissed, *as the Case may be*], and the said Plaintiff [or Defendant, *as the Case may be*], has appealed from such Order, I certify that the said Plaintiff [or Defendant, *as the Case may be*], paid into Court the Sum of \_\_\_\_\_ Pounds [*the sum ordered to be paid, or Five Shillings on the Dismiss*], in compliance with the said Act of

A.B. Clerk of Petty Sessions.

## SCHEDULE B.

|                                                                                                         | s. | d. |
|---------------------------------------------------------------------------------------------------------|----|----|
| To plaintiff's attorney, for attending and taking Instructions for and attending the hearing, . . . . . | 2  | 6  |
| To defendant's attorney, for attending hearing, . . . . .                                               | 2  | 6  |
| To plaintiff's attorney, for attending the hearing of every appeal under this Act, . . . . .            | 2  | 6  |
| To defendant's attorney, for same . . . . .                                                             | 2  | 6  |
| To Clerk of the Peace, upon the entry of every appeal, . . . . .                                        | 0  | 6  |
| For signing the decree or dismiss on such appeal, . . . . .                                             | 0  | 6  |

## SCHEDULE C.

|                                                                                  |   |   |
|----------------------------------------------------------------------------------|---|---|
| On the entry of every process at Petty Sessions, . . . . .                       | 0 | 6 |
| On the entry of every order of the Magistrates in Petty Sessions Book, . . . . . | 0 | 6 |
| On every certificate of appeal, . . . . .                                        | 0 | 6 |

## THE TOWNS IMPROVEMENT (IRELAND) ACT, 1854.

Sections.

This, though a "Public General Statute," is in force only in towns containing a certain population, who have specially applied to have its provisions carried into execution therein.

Application of Act.

Section 100 states, that it shall not extend to Dublin, Cork, Limerick, Londonderry, and Belfast.

These places have their special local Acts, but to some of them the provisions of the above Act have been since extended. It is so in Limerick.

JURISDICTION, . . . . . 29 & 91

Any one Justice in Petty Sessions, or a Justice specially appointed for the purposes of this Act, may hear and determine complaints.

\* \* There are two distinct classes of stamp duties imposed on the proceedings, viz:—Stamp duties, properly so called, payable to Her Majesty under sec. 6 (Schedule A, above), and fees denoted by Stamps under sec. 7 (Schedule C, above).—*Circular, Nov. 17, 1859.*

Stamped forms in Schedule A may be had of any stamp distributor. Schedule C are the Petty Sessions stamps. A 6d. stamp should be put on the entry of the case in the book, and a 6d. stamp on the entry of the order.

|                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Sections. |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| <b>RECOVERY OF PENALTIES,</b>                                                                                                                                                                                                                                                                                                                                                                                                                             | 90        |
| By distress and sale, &c., and offender may be detained (or recognizance taken for his appearance) until return had to warrant of distress; and if before issuing distress warrant, or upon its return, Justice is satisfied that no sufficient distress can be had within his jurisdiction, he may commit for any term not exceeding three months.                                                                                                       |           |
| <b>COSTS,</b>                                                                                                                                                                                                                                                                                                                                                                                                                                             | 90 & 91   |
| Of proceedings to be in discretion of Justice who hears the case.                                                                                                                                                                                                                                                                                                                                                                                         |           |
| <b>APPEAL.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                            |           |
| To Quarter Sessions in every case where penalty or sum adjudged exceeds 20s.                                                                                                                                                                                                                                                                                                                                                                              |           |
| <b>UNWHOLESOME MEAT,</b>                                                                                                                                                                                                                                                                                                                                                                                                                                  | 48        |
| Meat or fish unfit for human food to be kept separate and ticketed as such, in default,                                                                                                                                                                                                                                                                                                                                                                   |           |
| penalty not exceeding £5                                                                                                                                                                                                                                                                                                                                                                                                                                  |           |
| <b>ADULTERATION OF FOOD,</b>                                                                                                                                                                                                                                                                                                                                                                                                                              | 49        |
| Selling or exposing for sale, adulterated butter, meal, bread, or other article of food, knowingly,                                                                                                                                                                                                                                                                                                                                                       |           |
| penalty not exceeding 40s.                                                                                                                                                                                                                                                                                                                                                                                                                                |           |
| <b>OFFENSIVE TRADES,</b>                                                                                                                                                                                                                                                                                                                                                                                                                                  | 50        |
| Not to be newly established without consent of Commissioners; for offending, penalty not exceeding £20, and not exceeding 40s. a day during continuance.                                                                                                                                                                                                                                                                                                  |           |
| Regulations as to gunpowder,                                                                                                                                                                                                                                                                                                                                                                                                                              | 56        |
| Power to prevent obstructions during public processions,                                                                                                                                                                                                                                                                                                                                                                                                  | 70        |
| <b>STRAY CATTLE,</b>                                                                                                                                                                                                                                                                                                                                                                                                                                      | 71        |
| May be impounded by Constabulary or any person resident within the town, and may be detained until owner pay a penalty not exceeding 20s., besides expenses; and if not paid within three days, cattle may be sold by posting a three days' notice.                                                                                                                                                                                                       |           |
| <b>STREET NUISANCES AND OBSTRUCTIONS GENERALLY,</b>                                                                                                                                                                                                                                                                                                                                                                                                       | 72        |
| Every person who, in any street, to the obstruction, annoyance, or danger of the residents or passengers, commits any of the following offences, shall be liable to the penalties for each offence as hereinafter mentioned; and any constable or other officer appointed by virtue of this Act, shall take into custody, without warrant, and forthwith convey before a Justice or Justices, any person who, within his view, commits any such offence:— |           |
| Every person who exposes for show, hire, or sale (except in lawfully appointed place) any horse or other animal, or exhibits in a caravan or otherwise, any show or public entertainment, or shoes, bleeds, or farries any horse or animal (except in cases of accident), or cleans, dresses, trains, or                                                                                                                                                  |           |
| Horse shows.                                                                                                                                                                                                                                                                                                                                                                                                                                              |           |
| Public shows                                                                                                                                                                                                                                                                                                                                                                                                                                              |           |
| Farrying.                                                                                                                                                                                                                                                                                                                                                                                                                                                 |           |

| STREET NUISANCES AND OBSTRUCTIONS, &c.— <i>con.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Section.                        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| breaks, or turns loose any horse or animal, or makes or repairs any part of any cart or carriage (except in cases of accident when repair on the spot is necessary),<br>penalty not exceeding 10s.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Repairs.                        |
| Every person who suffers to be at large any unmuzzled ferocious dog, or sets on or urges any dog or other animal to attack, worry, or put in fear any person or animal,<br>penalty not exceeding 10s.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Dogs.                           |
| Every owner of any dog who suffers such dog to go at large, knowing or having reasonable ground for believing it to be in a rabid state, or to have been bitten by any dog or other animal in a rabid state, penalty not exceeding 10s.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                 |
| Every person who, after public notice given by any Justice or Justices at Petty Sessions, Chief Magistrate, or Chairman of Commissioners, directing dogs to be confined on account of suspicion of canine madness, suffers any dog to be at large during the time specified in such notice.<br>penalty not exceeding 10s.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Canine madness.                 |
| Every person who slaughters or dresses any cattle or any part thereof, except in the case of cattle over-driven, which may have met with any accident, and which for the public safety or other reasonable cause, ought to be killed on the spot,<br>penalty not exceeding 10s.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Slaughtering cattle in streets. |
| Every person having the care of any waggon, cart, or carriage, who rides on the shafts thereof, or who, without having reins, and holding the same, rides upon such waggon, cart, or carriage, or on any animal drawing the same; or who is at such a distance from such waggon, cart, or carriage as not to have due controul over the animal drawing the same, or who does not, in meeting any other carriage, keep his waggon, cart, or carriage to the left or near side, or who, in passing any other carriage, does not keep his waggon, &c., on the right or off side of the road (except in cases of actual necessity or some sufficient reason for deviation); or who, by obstructing the street, wilfully prevents any person or carriage from passing him, or any waggon, &c., under his care, penalty not exceeding 10s. | Negligence by drivers.          |
| Every person who, at any one time, drives more than two carts or waggons, and every person driving two carts, &c., who has not the halter of the horse in the last cart, &c., securely fastened to the back of the first cart, &c., or has such halter of a greater length from such fastening to the horses's head than four feet, penalty not exceeding 10s.                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Keeping wrong side,             |
| Every person who rides or drives furiously any horse or carriage, or drives furiously any cattle,<br>penalty not exceeding 20s.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | or other obstruction.           |
| Every person who causes any public carriage, sledge, truck or barrow, with or without horses, or any beast, of burden, to stand longer than is necessary for loading or unloading goods, or for taking up or setting down passengers (except hackney carriages and horses, and other beasts of draught or burden, standing for hire in any place appointed, &c.);                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | In charge of two carts, &c.     |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Furious driving.                |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Loading and unloading.          |

STREET NUISANCES AND OBSTRUCTIONS, &c.—*con.*

|                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-----------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Obstructing footways, crossings, &c.          | and every person who by any means of any cart, carriage, &c., or any animal, or other means, wilfully interrupts any public crossing, or wilfully causes any obstruction in any public footpath or other public thoroughfare,<br>penalty not exceeding 20s.                                                                                                                                                                                                                                                                                                                                                        |
| Beams, timber, &c.                            | Every person who causes any tree, or timber, or iron beam to be drawn in or upon any carriage without having sufficient means of safely guiding the same,<br>penalty not exceeding 20s.                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Riding on footways.                           | Every person who leads or rides any horse or other animal or draws or drives any cart, &c., upon any footway of any street, or fastens any horse or other animal so that it stands across or upon any footway, penalty not exceeding 20s.                                                                                                                                                                                                                                                                                                                                                                          |
| Standings on and projections over footways.   | Every person who places or leaves any furniture, goods, &c., or any cask, tub, basket, pail, or bucket, or places or uses any standing-place, stool, bench, stall, or show-board on any footway, or who places any blind, shade, &c., or other projection over and along any such footway, unless 8 feet in height from the ground, penalty not exceeding 20s.<br>Every person who places, or hangs up, or otherwise exposes to sale any goods, wares, or thing whatsoever, so that same project into or over any footway, or beyond shop-front, so as to incommode passengers, &c.,<br>penalty not exceeding 20s. |
| Lines across streets.                         | Every person who rolls or carries any cask, tub, hoop, or wheel, or any ladder, plank, pole, timber, or log of wood, upon any footway, except for the purpose of loading or unloading any cart, &c., or of crossing the footway,<br>penalty not exceeding 20s.                                                                                                                                                                                                                                                                                                                                                     |
| Prostitutes, &c.                              | Every person who places any line, cord, or pole across any street, or hangs or places any clothes thereon,<br>penalty not exceeding 20s.                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Obscene conduct.                              | Every common prostitute or night-walker loitering and importuning passengers for the purpose of prostitution, or being otherwise offensive, penalty not exceeding 40s.<br>Every person who wilfully and indecently exposes his person, or who commits any act contrary to public decency,<br>penalty not exceeding 40s.                                                                                                                                                                                                                                                                                            |
| Books, songs, &c., &c.                        | Every person who publicly offers for sale or distribution, or exhibits to public view, any profane, indecent, or obscene book, paper, or representation, &c., or sings any profane or obscene song or ballad, penalty not exceeding 40s.                                                                                                                                                                                                                                                                                                                                                                           |
| Fire-arms, stone-throwing, bonfires, &c., &c. | Every person who wantonly discharges any fire-arm, or throws or discharges any stone or other missile, or makes any bonfire, or throws or sets fire to any fire-work,<br>penalty not exceeding 10s.                                                                                                                                                                                                                                                                                                                                                                                                                |
| Door-bells, &c., &c.                          | Every person who wilfully and wantonly disturbs any inhabitant, by pulling or ringing any door-bell, or knocking at any door, or who wilfully and unlawfully extinguishes the light of any lamp, penalty not exceeding 40s.                                                                                                                                                                                                                                                                                                                                                                                        |
| Kites; slides.                                | Every person who flies any kite, or who makes or uses any slide upon ice or snow,<br>penalty not exceeding 10s.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |



| <b>STREET NUISANCES AND OBSTRUCTIONS, &amp;c.—con.</b>                                                                                                                                                                                                                                                                                                                                |    | Section.                              |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|---------------------------------------|
| Every person who cleanses, hoops, fires, washes, or scalds any cask or tub; or hews, saws, bores, or cuts any timber or stone; slacks lime, &c., penalty not exceeding 10s.                                                                                                                                                                                                           |    | Slacking lime, &c.                    |
| Every person who throws or lays down any stones, coals, slate, shells, lime, bricks, timber, iron, or other materials (except building materials, so enclosed as to prevent mischief to passengers), penalty not exceeding 10s.                                                                                                                                                       |    | Rubbish.                              |
| Every person who beats or shakes any carpet, rug, or mat (except before 9 o'clock, A.M.), penalty not exceeding 10s.                                                                                                                                                                                                                                                                  |    | Shaking door-mats.                    |
| Every person who fixes or places any flower pot or box, or other heavy article in any upper window, without sufficiently guarding the same against being blown down, penalty not exceeding 10s.                                                                                                                                                                                       |    | Pots, &c. on window-stools.           |
| Every person who throws from the roof of any part of any house, or other building, any slate, brick, &c., or other thing, except snow, thrown so as not to fall on any passenger, penalty not exceeding 20s.                                                                                                                                                                          |    | Rubbish from roofs.                   |
| Every person who leaves open any vault or cellar, or the entrance from any street to any cellar, &c., without sufficient fence or hand-rail, or leaves defective the door of any such, or who does not sufficiently fence any area, pit, or sewer, left open, or leaving same without light after sunset to warn and prevent passengers falling thereinto, penalty not exceeding 10s. |    | Leaving cellars or sewers open.       |
| Every person who throws &c., dirt, rubbish, &c., &c., on any street, beach, or strand; or causes offensive matter to run from manufactory, brewery, slaughter-house, butcher's shop, or dunghill, into any street, except sand, &c., in time of frost, or of sickness to prevent noise, penalty not exceeding 10s.                                                                    |    | Offensive matter from manufactory &c. |
| Every person who keeps any pigsty to the front of any street, not being shut out by sufficient wall or fence, or who keeps any swine in or near any street, so as to be a common nuisance, penalty not exceeding 40s.                                                                                                                                                                 |    | Pigsty in streets.                    |
| Every person drunk in any street,* or guilty of any riotous or indecent behaviour in any street,* Police Office, or Petty Sessions Court, or any Police station-house within the town, penalty not exceeding 40s.; or in discretion of Justice, imprisonment not exceeding 7 days.                                                                                                    |    | Drunk, riotous, &c.                   |
| Every victualler, or public-house keeper, who knowingly suffers common prostitutes, or reputed thieves, to assemble therein, penalty not exceeding £5.                                                                                                                                                                                                                                | 74 | Publicans.                            |
| Persons keeping places for baiting animals, penalty not exceeding £5; or in discretion of Justice, imprisonment with or without hard labour not exceeding 1 month. Persons found therein liable to penalty not exceeding £5.                                                                                                                                                          | 75 | Baiting animals.                      |
| Thimblers, swindlers, &c., found in possession of implements, &c., for practising games of hazard, or exhibiting such to induce persons to play, or cheating, &c., thereat, imprisonment not exceeding 30 days. And to return money or                                                                                                                                                |    | Thimblers.                            |

\* In the Police Clauses Act, 10 & 11 Vic., c. 89, the offence is "drunk, and riotous," &c., &c. The Police Clauses Act is in force in Cork and other cities.

|                                                                                                                                                     | Sections. |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| <b>STREET NUISANCES AND OBSTRUCTIONS, &amp;c.—</b>                                                                                                  |           |
| property obtained; in default, not exceeding an additional<br>30 days,                                                                              | 76        |
| Bathing machines and bathing,                                                                                                                       | 77        |
| Hackney carriages,                                                                                                                                  | 78 to 88  |
| [Act not to extend to cities of Dublin, Cork, Limerick, and Londonderry, the town of Belfast.—Act has since been extended to some of these places.] |           |

### POLICE CLAUSES ACT.

10 & 11 Vic., c. 89.

The following are the principal sections of this Act, in reference to *Street Nuisances and Obstructions, &c.*

*The Justice should be careful to see if the Act be in force in his district.*

Sections 6 to 19 have reference to appointment and duties of Constables hereunder:—

Penalties on  
persons  
assaulting  
Constables.

20. Every person who assaults or resists, or who aids or incites any person to assault or resist, any Constable in the execution of his duty under the provisions of this or the special Act, shall for every such offence be liable to a penalty not exceeding £5, or, in the discretion of the Justice before whom he is convicted, may be imprisoned for any term not exceeding one month, with or without hard labour.

And with respect to obstructions and nuisances in the streets, be it enacted as follows:

OBSTRUCTIONS AND NUISANCES.

21. Power to prevent obstructions in the streets during public processions, &c.; penalty for offending 40s.

22. Power to regulate the route of persons driving stage carriages, &c., during divine service, on Sunday, Good Friday, Christmas day, and public fast-days; for offending, penalty not exceeding 40s.

23. Proprietors of stage carriages deviating from route by order, free from penalty.

Power to  
impound  
stray cattle.

24. If any cattle be at any time found at large in any street within the limits of the special Act, without any person having the charge thereof, any Constable or officer of police, or any person residing within the limits of the special Act, may seize and impound such cattle in any common pound within the said limits, or in such other place as the Commissioners appoint for that purpose, and may detain the same therein until the owner thereof pay to the Commissioners a penalty not exceeding 40s., besides the reasonable expenses of impounding and keeping such cattle.

Power to sell  
stray cattle  
for penalty  
and  
expenses.

25. If the said penalty and expenses be not paid within three days after such impounding, the pound-keeper, or other person appointed by the Commissioners for that purpose, may proceed to sell, or cause to be sold, any such cattle; but previous to such sale seven days notice thereof shall be given to or left at the dwelling-house or place of abode of the owner of such cattle, if he be known, or if not, then notice of such intended sale shall be given by advertisement, to be inserted seven days before such sale in some newspaper published or circulated within the limits of the special Act; and the money arising from such sale, after deducting the said sums

and the expenses aforesaid, and all other expenses attending the impounding, advertising, keeping, and sale of any such cattle so impounded, shall be paid to the Commissioners, and shall be by them paid, on demand, to the owner of the cattle so sold.

26. Every person who releases or attempts to release any cattle from any pound or place where the same are impounded under the authority of this or the special Act, or who pulls down, damages, or destroys the same pound or place, or any part thereof, with intent to procure the unlawful release of such cattle, shall, upon conviction of such offence before any two Justices, be committed by them to some common gaol or house of correction for any time not exceeding three months.

Persons guilty of pound-breach to be committed for three months

27. The Commissioners may purchase a piece of land within the limits of the special Act, for the purpose of a pound for stray animals, and may erect a pound thereon, and such pound when made shall be kept in repair by the Commissioners.

Power to provide a pound.

#### STREET NUISANCES.\*

28. Every person who in any street, to the obstruction, annoyance, or danger of the residents or passengers, commits any of the following offences, shall be liable to a penalty not exceeding 40s. for each offence, or, in the discretion of the Justice before whom he is convicted, may be committed to prison, there to remain for a period not exceeding fourteen days; and any Constable or other officer appointed by virtue of this or the special Act shall take into custody, without warrant, and forthwith convey before a Justice, any person who within his view commits any such offence; (that is to say,)

Penalty on persons committing any of the offences herein named.

Every person who exposes for show, hire, or sale (except in a market or market-place, or fair, lawfully appointed for that purpose), any horse or other animal, or exhibits in a caravan or otherwise any show or public entertainment, or shoes, bleeds, or farries any horse or animal (except in cases of accident), or cleans, dresses, exercises, trains, or breaks, or turns loose any horse or animal, or makes or repairs any part of any cart or carriage (except in cases of accident, where repair on the spot is necessary):

Exposing cattle for sale; or doing certain works in streets.

Every person who suffers to be at large any unmuzzled ferocious dog, or sets on or urges any dog or other animal to attack, worry, or put in fear any person or animal:

Dogs.

Every owner of any dog who suffers such dog to go at large, knowing or having reasonable ground for believing it to be in a rabid state, or to have been bitten by any dog or other animal in a rabid state:

Every person who, after public notice given by any Justice directing dogs to be confined on account of suspicion of canine madness, suffers any dog to be at large during the time specified in such notice:

Every person who slaughters or dresses any cattle, or any part thereof, except in the case of any cattle overdriven which may have met with any accident, and which for the public safety or other reasonable cause ought to be killed on the spot.

Slaughtering cattle.

\* These offences are very similar to those set out in the "Town's Improvement Act."

**STREET NUISANCES—continued.**

- Drivers' offences.** Every person having the care of any waggon, cart or carriage, who rides on the shafts thereof, or who without having reins, and holding the same, rides upon such waggon, cart, or carriage, or on any animal drawing the same; or who is at such a distance from such waggon, cart, or carriage as not to have due control over every animal drawing the same; or who does not, in meeting any other carriage, keep his waggon, cart, or carriage to the left or near side; or who in passing any other carriage does not keep his waggon, cart, or carriage on the right or off side of the road (except in cases of actual necessity, or some sufficient reason for deviation), or who, by obstructing the street, wilfully prevents any person or carriage from passing him, or any waggon, cart, or carriage under his care:
- Every person who at one time drives more than two carts or waggons, and every person driving two carts or waggons who has not the halter of the horse in the last cart or waggon securely fastened to the back of the first cart or waggon, or has such halter of a greater length from such fastening to the horse's head than four feet:
- Furious driving.** Every person who rides or drives furiously any horse or carriage or drives furiously any cattle:
- Beasts of burden obstructing streets.** Every person who causes any public carriage, sledge, truck, or barrow, with or without horses, or any beast of burden, to stand longer than is necessary for loading or unloading goods, or for taking up or setting down passengers (except hackney carriages, and horses and other beasts of draught or burden, standing for hire in any place appointed for that purpose by the Commissioners or other lawful authority), and every person who, by means of any cart, carriage, sledge, truck, or barrow, or any animal, or other means, wilfully interrupts any public crossing, or wilfully causes any obstruction in any public footpath or other public thoroughfare:
- Carriage of timber, &c.** Every person who causes any tree or timber or iron beam to be drawn in or upon any carriage, without having sufficient means of safety guiding the same:
- Horses, &c. on footways.** Every person who leads or rides any horse or other animal, or draws or drives any cart or carriage, sledge, truck, or barrow, upon any footway of any street, or fastens any horse or other animal so that it stand across or upon any footway:
- Exhibiting wares on footways.** Every person who places or leaves any furniture, goods, wares, or merchandise, or any cask, tub, basket, pail, or bucket; or places or uses any standing-place, stool, bench, stall or show-board on any footway; or who places any blind, shade, covering, awning, or other projection over or along any such footway, unless such blind, shade, covering, awning, or other projection is eight feet in height at least in every part thereof from the ground:
- Goods hanging from shops, &c.** Every person who places, hangs up, or otherwise exposes to sale any goods, wares, merchandise, matter, or thing whatsoever, so that the same project into or over any footway, or beyond the line of any house, shop, or building, at which the same are so exposed, so as to obstruct or incommode the passage of any person over or along such footway:

STREET NUISANCES—*Continued.*

- Every person who rolls or carries any cask, tub, hoop, or wheel, or any ladder, plank, pole, timber, or log of wood, upon any footway, except for the purpose of loading or unloading any cart or carriage, or of crossing the footway :  
Conveying goods, &c. on.
- Every person who places any line, cord, or pole across any street, or hangs or places any clothes thereon :  
Hanging clothes on.
- Every common prostitute or nightwalker loitering and importing passengers for the purpose of prostitution :  
Prostitutes, &c.
- Every person who wilfully and indecently exposes his person :  
Offering obscene productions, &c., or profane conduct in streets.
- Every person who publicly offers for sale or distribution, or exhibits to public view, any profane, indecent, or obscene book, paper, print, drawing, painting, or representation, or sings any profane or obscene song or ballad, or uses any profane or obscene language :  
Bonfires, &c. and fireworks.
- Every person who wantonly discharges any fire-arms, or throws or discharges any stone or other missile, or makes any bonfire, or throws or sets fire to any firework :  
Runaway knocks, &c.
- Every person who wilfully and wantonly disturbs any inhabitant, by pulling or ringing any door-bell, or knocking at any door, or who wilfully and unlawfully extinguishes the light of any lamp .
- Every person who flies any kite, or who makes or uses any slide upon ice or snow :  
Slides on ice.
- Every person who cleanses, hoops, fires, washes, or scalds any cask or tub, or hews, saws, bores, or cuts any timber or stone, or slacks, sifts, or screens any lime :  
Scalding casks, screening lime, &c.
- Every person who throws or lays down any stones, coals, slate, shells, lime, bricks, timber, iron, or other materials (except building materials, so enclosed as to prevent mischief to passengers :
- Every person who beats or shakes any carpet, rug, or mat (except door-mats, beaten or shaken before the hour of eight in the morning) :  
Shaking mats.
- Every person who fixes or places any flower-pot or box, or other heavy article, in any upper window, without sufficiently guarding the same against being blown down :  
Pots, &c., on windows.
- Every person who throws from the roof or any part of any house or other building any slate, brick, wood, rubbish, or other thing, except snow, thrown so as not to fall on any passenger :  
Rubbish from tops of houses.
- Every occupier of any house or other building, or other person, who orders or permits any person in his service to stand on the sill of any window, in order to clean, paint, or perform any other operation upon the outside of such window, or upon any house or other building within the said limits, unless such window be in the sunk or basement story :  
Allowing persons to stand on window-sill.
- Every person who leaves open any vault or cellar, or the entrance from any street to any cellar or room under ground, without a sufficient fence or handrail, or leaves defective the door, window, or other covering of any vault or cellar ; or who does not sufficiently fence any area, pit, or sewer left open ; or who leaves such open area, pit, or sewer without a sufficient light after sunset to warn and prevent persons from falling thereinto.  
Underground cellars, &c.

|                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|--------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Laying dirt on streets.                                                  | <p><b>STREET NUISANCES—continued.</b></p> <p>Every person who throws or lays any dirt, litter, or ashes, or night soil, or any carrion, fish, offal, or rubbish, on any street, or causes any offensive matter to run from any manufactory, brewery, slaughter-house, butcher's shop, or dunghill into any street: provided always, that it shall not be deemed an offence to lay sand or other materials in any street in time of frost, to prevent accidents, or litter, or any other suitable materials to prevent the freezing of water in pipes, or in case of sickness, to prevent noise, if the party laying any such things causes them to be removed as soon as the occasion for them ceases.</p> |
| Pigsty near, &c.                                                         | <p>Every person who keeps any pigsty to the front of any street, not being shut out from such street by a sufficient wall or fence, or who keeps any swine in or near any street, so as to be a common nuisance.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Penalty on drunken persons &c., guilty of riotous or indecent behaviour. | <p>29. Every person drunk in any street, and guilty of any riotous or indecent behaviour therein, and also every person guilty of any violent or indecent behaviour in any police office or any police station-house within the limits of the special Act, shall be liable to a penalty not exceeding 40s. for every such offence, or, in the discretion of the Justice before whom he is convicted, to imprisonment for a period not exceeding seven days.</p>                                                                                                                                                                                                                                            |
| Fires.                                                                   | <p>Sections 30 to 33 have reference to fires.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Places of public resort, &c.                                             | <p>Sec. 34 provides penalties for publicans, &amp;c., harbouring constables while on duty.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Prostitutes, thieves (harbouring).                                       | <p>Sec. 35. Keeper of house, shop, room, or other place of public resort within limits of the special Act, for sale or consumption of refreshments of any kind, who knowingly suffers common prostitutes or reputed thieves to assemble at, and continue in his premises, shall for every such offence be liable to a penalty not exceeding £5.</p>                                                                                                                                                                                                                                                                                                                                                        |
| Cock-fighting                                                            | <p>Sec. 36 provides penalties on persons keeping places for bearbaiting, cock-fighting, &amp;c.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Hackney carriages.                                                       | <p>Sections 37 to 68 have reference to hackney carriages.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Bathing.                                                                 | <p>Sections 69 to 72 have reference to public bathing, providing of bathing machines, and preventing of indecent exposure.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Recovery of penalties &c.                                                | <p>Sec. 73. Clauses of "Railway Clauses Consolidation Act, 1845," with respect to damages not specially provided for, and penalties, and to the determination of any other matter referred to Justices, incorporated with this Act, &amp;c.</p> <p>(Proceedings may be according to the Petty Sessions Act, and penalties recovered as therein provided.)</p>                                                                                                                                                                                                                                                                                                                                              |

## PROTECTION OF JUSTICES ACT.

12th Vic. Cap. 16.

Section.

"Every action hereafter to be brought against any Justice of the Peace in *Ireland*, in any of Her Majesty Superior Courts of Law at *Dublin*, for any act done by him in the execution of his duty, as such Justice, with respect to any matter within his jurisdiction as such Justice, shall be an action on the case as for a tort; and in the declaration it

Sections.

shall be expressly alleged that such act was done maliciously, and without reasonable and probable cause; and if, at the trial of any such action, upon the general issue being pleaded, the plaintiff shall fail to prove such allegation, he shall be non-suited, or a verdict shall be given for the defendant,"\*

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 "And be it enacted, that for any act done by a Justice of the Peace, in a matter of which by law he has not jurisdiction, or in which he shall have exceeded his jurisdiction, any person injured thereby, or by any act done under any conviction, or order made, or warrant issued, by such justice in such matter, may maintain an action against such Justice, in the same form and in the same case as he might have done before the passing of this Act, without making any allegation in his declaration that the act complained of was done maliciously, and without reasonable and probable cause: Provided, nevertheless, that (in any case where a conviction may be quashed, either upon appeal or upon application to Her Majesty's Court of Queen's Bench), no such action shall be brought for anything done under such conviction or order until after such conviction or order shall have been quashed, either upon appeal or upon application to Her Majesty's Court of Queen's Bench; nor shall any such action be brought for anything done under any such warrant, which shall have been issued by such Justice to procure the appearance of such party, and which shall have been followed by a conviction or order in the same matter, until after such conviction or order shall have been so quashed as aforesaid; or if such last-mentioned warrant shall not have been followed by any such conviction or order, or if it be a warrant upon an information for an alleged indictable offence, nevertheless if a summons were issued previously to such warrant, and such summons were served upon such person, either personally or by leaving the same for him with some person at his last or most usual place of abode, and he did not appear according to the exigency of such summons, in such case no such action shall be maintained against such Justice for anything done under such warrant,"† . 2

\* This section refers to cases wherein the Justice has jurisdiction, and to sustain an action for any act done in such cases, it must be *alleged and proved* that he acted *maliciously, and without reasonable and probable cause*. It is difficult to imagine how a Magistrate could place himself without the protection above provided.

† Such protection as this section affords has reference to cases wherein the Justice acts without any jurisdiction whatever, or in which he exceeds his jurisdiction; the party injured need not allege or prove malice, &c. But if it be a case in which there exists a right of appeal or of application to Court of Queen's Bench, these remedies must be availed of to quash the conviction before the action can be brought. The 20 & 21 Vic., c. 43, gives (in matters of complaint which Justices have power to determine summarily), a right to the party aggrieved to call upon the Justices

|                                                                                                                                                                                                | Sections. |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| If one Justice makes a conviction or order, and another grant a warrant upon it, the action must be brought against the former, not the latter,                                                | 3         |
| No action against Justices for the manner in which they exercise a <i>discretionary</i> power,                                                                                                 | 4         |
| After conviction or order confirmed on appeal, no action shall be brought for anything done under warrant upon that conviction,                                                                | 7         |
| If an action brought, where by this Act it is prohibited, a Judge of the Court may set aside the proceedings upon application of defendant, and affidavit of facts,                            | 7         |
| Action must be commenced within six months after act complained of,                                                                                                                            | 8         |
| A month's notice must be given before bringing action,                                                                                                                                         | 9         |
| After notice, and before action commenced, Justice may tender plaintiff, or his attorney, such sum as he may think fit as amends for injury; or before issue joined, may lodge money in Court, | 11        |

[There are then three accidents of office to be guarded against by the Justice of the Peace: the first, which must be wilful, is not so much to be feared, as not being likely to happen. The next is the more dangerous, being the result of inadvertence. The third, though not visited with pecuniary penalty, may be attended by a still more humiliating consequence, that is, where, by injudiciousness or want of discretion, he may happen to transgress the conditions of his commission.]

## LAW OF EVIDENCE.

14 & 15 Vic., cap. 99.

An Act to amend the Law of Evidence.

Parties to suits, &c., to be competent and compellable to give evidence.

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|
| Repeals a proviso in 6 & 7 Wm. IV., cap. 85,                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | . |
| On the trial of any issue joined, or of any matter or question, or on any inquiry arising in any suit, action, or other proceeding in any Court of Justice, or before any person hearing, by law or by consent of parties, authority to hear, receive and examine evidence, the parties thereto, and the persons in whose behalf any such suit, action, or other proceeding may be brought or defended shall, except as hereinafter excepted, be competent and compellable to give evidence either <i>vivâ voce</i> , or by deposition, according to the practice of the Court, on behalf of either or any of the parties to the said suit, action, or other proceeding, | 2 |

to state a case for opinion of Superior Court, if dissatisfied with the decision as being "erroneous in point of law."

Nor shall action be brought for act done under warrant to compel appearance, if a summons were previously served and not obeyed. But it is of the utmost importance that the summons and warrant should contain an *offence* which the Justice has power to entertain, and that the information, upon which the warrant issues, disclose such offence.



But nothing herein contained shall render any person, who, in any criminal proceeding, is charged with the commission of any indictable offence, or any offence punishable on summary conviction, competent or compellable to give evidence for or against himself or herself, or shall render any person compellable to answer any questions tending to criminate himself or herself, or shall, in any criminal proceeding, render any husband competent or compellable to give evidence for or against his wife, or any wife competent or compellable to give evidence for or against her husband,

Sections.

Persons charged with criminal offence not competent or compellable to give evidence to criminate himself.

No person bound to answer question tending to criminate himself.

Where husband or wife charged with criminal offence, one not competent to give evidence for or against the other.

Husbands and wives of parties to suits to be admissible witnesses.

1 Where husband or wife charged with criminal offence, one not admissible as evidence for or against the other.

3 Husband and wife not compelled to disclose communications made to each other.

3

LAW OF EVIDENCE AMENDMENT.\*

16 & 17 Vic., cap. 83.

An Act to amend 14 & 15 Vic., cap. 99.

On the trial of any issue joined, or of any matter or question, or on any inquiry arising in any suit, action, or other proceeding in any Court of Justice, or before any person having, by law or by consent of parties, authority to hear, receive, and examine evidence, the husbands and wives of the parties thereto, and of the persons in whose behalf any such suit, action, or other proceedings may be brought or instituted, or opposed or defended, shall, except as hereinafter excepted, be competent and compellable to give evidence either *viva voce* or by deposition, according to the practice of the Court, on behalf of either or any of the parties to the said suit, action, or other proceeding, . . .

Nothing herein shall render any husband competent or compellable to give evidence for or against his wife, or any wife competent or compellable to give evidence for or against her husband in any criminal proceeding, or in any proceeding instituted in consequence of adultery, . . .

No husband shall be compellable to disclose any communication made to him by his wife during the marriage, and no wife shall be compellable to disclose any communication made to her by her husband during the marriage, . . .

So much of section 1 of 6 & 7 Vic., cap. 85, as relates to husbands and wives, repealed, . . .

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\* It is the first rule of evidence, that the best evidence of which the case is capable shall be given; otherwise the presumption is, that it would make against the party neglecting to produce it. Where a document is in the hands of the other party, a notice to produce in Court must be given before secondary evidence of its contents can be received. It is not sufficient to dispense with a notice that the party in possession of the document has it with him in Court. A parol notice is held to be sufficient. Hearsay evidence of what is written or spoken is not admissible; but there are many exceptions to this rule, viz., pedigrees, customs, births, deaths, &c.

## LAW OF EVIDENCE ACT.\*

“An Act for amending the Law of Evidence and Practice on Criminal Trials.”

(9th May, 1865).

Whereas it is expedient that the law of evidence and practice on trials for Felony and Misdemeanor and other proceedings in Courts of Criminal Judicature should be more nearly assimilated to that on trials at *Nisi Prius*: be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; that is to say,

Provisions of Sect. 2, of this Act to apply to trials commenced on or after July 1, 1865.

1. That the provisions of section two of this Act shall apply to every trial for Felony and Misdemeanor which shall be commenced on or after the First day of *July* One thousand eight hundred and sixty-five, and that the provisions of sections from three to eight, inclusive, of this Act shall apply to all Courts of Judicature, as well Criminal as all others, and to all persons having, by law, or by consent of parties, authority to hear, receive, and examine evidence.

Summing up of Evidence in cases of felony and misdemeanor.

2. If any prisoner or prisoners, defendant or defendants, shall be defended by counsel, but not otherwise, it shall be the duty of the presiding judge, at the close of the case for the prosecution, to ask the counsel for each prisoner or defendant so defended by counsel whether he or they intend to adduce evidence, and in the event of none of them thereupon announcing his intention to adduce evidence, the counsel for the prosecution shall be allowed to address the jury a second time in support of his case, for the purpose of summing up the evidence against such prisoner or prisoners, or defendant or defendants; and upon every trial for Felony or Misdemeanor, whether the prisoners or defendants, or any of them, shall be defended by counsel or not, each and every such prisoner or defendant, or his or their counsel respectively, shall be allowed, if he or they shall think fit, to open his or their case or cases respectively; and after the conclusion of such opening or of all such openings, if more than one, such prisoner or prisoners, or defendant or defendants, or their counsel, shall be entitled to examine such witnesses as he or they may think fit, and when all the evidence is concluded to sum up the evidence respectively; and the right of reply, and practice and course of proceedings, save as hereby altered, shall be as at present.

How far witness may be discredited by the party producing.

3. A party producing a witness shall not be allowed to impeach his credit by general evidence of bad character, but he may, in case the witness shall, in the opinion of the judge, prove adverse, contradict him by other evidence, or, by leave of the judge, prove that he has made at other times a statement inconsistent with his present

\* Though this Act is entitled the Law of Evidence and Practice on Criminal *Trials*, sec. 1 declares that from sec. 3 to 8, inclusive, “It shall apply to all Courts of Judicature, as well Criminal as all others, and to all persons having by law or by consent of parties authority to hear, receive, and examine evidence.” Section 2 has reference to Courts of *Oyer et Terminer*.

testimony; but before such last-mentioned proof can be given the circumstances of the supposed statement, sufficient to designate the particular occasion, must be mentioned to the witness, and he must be asked whether or not he has made such statement.

4. If a witness upon cross-examination as to a former statement made by him relative to the subject matter of the indictment or proceeding, and inconsistent with his present testimony, does not distinctly admit that he has made such statement, proof may be given that he did in fact make it; but before such proof can be given the circumstances of the supposed statement, sufficient to designate the particular occasion must be mentioned to the witness, and he must be asked whether or not he has made such statement.

As to proof of contradictory statements of adverse witness.

5. A witness may be cross-examined as to previous statements made by him in writing or reduced into writing relative to the subject matter of the indictment or proceeding, without such writing being shown to him; but if it is intended to contradict such witness by the writing, his attention must, before such contradictory proof can be given, be called to those parts of the writing which are to be used for the purpose of so contradicting him: Provided always, that it shall be competent for the judge, at any time during the trial, to require the production of the writing for his inspection, and he may thereupon make such use of it for the purposes of the trial as he may think fit.

Cross-examinations as to previous statements in writing.

6. A witness may be questioned as to whether he has been convicted of any felony or misdemeanor, and upon being so questioned, if he either denies or does not admit the fact, or refuses to answer, it shall be lawful for the cross-examining party to prove such conviction; and a certificate containing the substance and effect only (omitting the formal part) of the indictment and conviction for such offence, purporting to be signed by the clerk of the court or other officer having the custody of the records of the court where the offender was convicted, or by the deputy of such clerk or officer (for which certificate a fee of five shillings, and no more, shall be demanded or taken), shall, upon proof of the identity of the person, be sufficient evidence of the said conviction, without proof of the signature or official character of the person appearing to have signed the same.

Proof of previous conviction of witness may be given.

7. It shall not be necessary to prove by the attesting witness any instrument to the validity of which attestation is not requisite, and such instrument may be proved as if there had been no attesting witness thereto.

As to proof by attesting witnesses.

8. Comparison of a disputed writing with any writing proved to the satisfaction of the judge to be genuine shall be permitted to be made by witnesses; and such writings, and the evidence of witnesses respecting the same, may be submitted to the court and jury as evidence of the genuineness or otherwise of the writing in dispute.

As to comparison of disputed writing.

9. The word "counsel" in this Act shall be construed to apply to attorneys in all cases where attorneys are allowed by law or by the practice of any court to appear as advocates.

Not to apply to Scotland.

10. This Act shall not apply to Scotland.

PETTY SESSIONS (IRELAND) ACT.\*

14 & 14 Vic., c. 93.

"An Act to consolidate and amend the Acts regulating the Proceedings at Petty Sessions, and the duties of Justices of the Peace out of Quarter Sessions in Ireland."

(7th August, 1851.)

Section 1 provides for the formation of Petty Sessions districts, and the times and places for holding Petty Sessions.

Sections 2, 3, 4, which refer to the appointment, fees, &c, of Petty Sessions Clerks, are repealed by the 21 & 22 Vic., c. 100 (the Petty Sessions Clerks Act, 1858).

Section 5 prescribes the duties of the Petty Sessions Clerk; the Petty Sessions Clerks Act, 1858, points out additional duties.

7. The powers of Justices and others to act in and for different localities shall be subject to the following conditions:

1. A Justice for any county may act as such in all matters arising within such county, although he may at the time happen to be in an adjoining county, provided he shall be also a Justice for such adjoining county.
2. A Justice for any county may in like manner act as such in all matters arising within such county, although he may at the time happen to be in any city, town, or place, being a county of itself, situated within or adjoining to such first-mentioned county, whether he shall be a Justice of such city, town, or place, or not; but nothing herein contained shall extend to empower any Justice for any county, not being also Justice for any such city, town, or place as aforesaid, or any person acting under him, to act or intermeddle in any matters arising within any such city, town, or place:†

\* This Petty Sessions Act is to be considered as the machinery for carrying out and enforcing the provisions of the several other Statutes which give jurisdiction to Magistrates; an adequate acquaintance with its powers and requirements is, therefore, of the utmost importance.

For additional powers of Justices in boroughs, see Municipal Corporations Act, 3 & 4 Vic., c. 106, s. 161.

† *Jurisdiction*.—By 9 Geo. 4, c. 54, ss. 26 & 27, provides that all offences committed on the boundaries of two or more counties, or within 500 yards of such boundaries, or begun in one county and completed in another, whether they be felonies or misdemeanours, may be dealt with in all respects in any of the said counties, as if they had been wholly committed therein; and if the offence has been committed on any person, or with respect to any property, in any coach, waggon, cart, or other carriage, on a journey, or in any vessel on a voyage on any river or canal, it may be dealt with in any county through any part of which such carriage or vessel passed, on the journey or voyage during which the offence was committed, or if the side, bank, or any part of such road, river, or canal constitute a boundary between two counties, the offence may be treated as if actually committed in either of such two counties.

The power above conferred is now very frequently called into exercise, where offences committed in railway carriages cannot be conveniently brought before a Justice until several Petty Sessions districts have been passed over, and the journey has terminated.

LOCAL  
JURISDICTION.

Justice may act for one county whilst being in another adjoining county, of which he shall also be Justice; or whilst in adjoining county of a city, though not a Justice of same; but not to act as to matters arising in such county of a city, &c.

3. The Inspector-General, or either of the Deputy Inspectors-General of Constabulary, being a Justice of any county, may act in all matters arising within such county, wherever he may happen to be at the time :
4. Whenever any townland belonging to one county shall be included in any Petty Sessions district of the adjoining county under the provisions of this Act, any Justice, having jurisdiction in such Petty Sessions district shall have the like jurisdiction in such townland, although he may not be a Justice of the county to which such townland belongs ; and any committal to any gaol or bridewell of such last-mentioned county, or any other magisterial act done by any such Justice, in any case in which the offence or cause of complaint shall have arisen in such townland, shall have the like force and effect as if such Justice was also a Justice of such last-mentioned county :

Inspector-General of Constabulary may act wherever he may be.

Justices for one county may act for annexed townlands of another.

And all constables or other persons apprehending any person whom they lawfully may and ought to apprehend by virtue of their office or otherwise, in any such county or place as aforesaid, may lawfully convey such person before any Justice for such county or place whilst such Justice shall be in such adjoining county or place as aforesaid, and such constables or other persons are hereby authorized and required in all such cases to act in all things as if such Justice were within the county or place for which he shall so act.

Constables &c. may take offenders before Justice in adjoining county.

8. The places where Justices shall sit in the discharge of their duties shall be subject to the following provisions:

PLACE OF HEARING.

1. Whenever a public Court-house shall be maintained by county presentment at any place fixed for the holding of Petty Sessions, the Petty Sessions shall be held therein, if not inconvenient to the public; but whenever no such public Court-house shall be so maintained, or the holding of Petty Sessions therein would be inconvenient to the public, it shall be lawful for the Grand Jury of the county to present an annual sum not exceeding ten pounds for the rent of a public justice room in which the Petty Sessions shall be held, and of a lock-up; provided that such room shall not be in a house where spirituous or fermented liquors are sold, or in a Constabulary barrack, or in any building maintained in the whole or in part at the public expense, and that it shall be proved to the satisfaction of the County Presentment Sessions, where application shall be made for such rent, that at least four meetings of Justices shall have been held in such room during the four months next preceding such application:
2. It shall not be lawful for any Justice or Justices to hear and determine any cases of summary jurisdiction out of Petty Sessions, except cases of drunkenness\* or vagrancy, or fraud in the sale of goods, or disputes as to sales in fairs or markets; but it shall be lawful for two Justices, if they shall see fit, to hear and determine out of Petty Sessions any complaint as to any offence, when the offender shall be unable to give bail for his appearance at Petty Sessions:†

Petty Sessions to be held in Court-house.

Where no Court-house, Grand Jury may present rent of justice room.

In summary proceedings, complaint not to be heard or determined out of Petty Sessions, except in certain cases; but two Justices may act out of Petty Sessions where offender can not find bail.

\* For the punishment or order in these cases, see the particular title in the Summary Index.

† The latter provision, empowering two Justices to deal with the cases

## PLACE OF HEARING.

## Proviso.

## PUBLICITY OF PROCEEDINGS.

Place in which Justices shall sit to hear summary proceedings to be deemed an open Court.

Parties to be allowed to plead by counsel or attorney.

Place where examinations in proceedings for indictable offences are taken not to be deemed an open Court without consent of Justice.

Power to commit and fine for contempt of Court.

## INFORMATIONS AND COMPLAINTS.

Justice may receive information or complaint:

As to offences within his jurisdiction:

As to offences out of his jurisdiction:

Provided always, that nothing herein contained shall be construed to prevent any Justice or Justices acting out of Petty Sessions from making any order (not being in the nature of a conviction, or of an adjudication upon a complaint,) which a Justice or Justices may be authorized or required by law to make.

9. The right of the public to have access to the place in which Justices shall sit shall be subject to the following provisions:\*

1. In all cases of summary proceedings, the place in which any Justice or Justices shall sit to hear and determine any complaint shall be deemed an open Court, to which the public generally may have access, so far as the same can conveniently contain them; and the parties by and against whom any complaint or information shall there be heard shall be admitted to conduct or make their full answer and defence thereto respectively, and to have the witnesses examined and cross-examined by themselves or by counsel or attorney on their behalf.

2. In all cases of proceedings for indictable offences, the place in which any Justice or Justices shall sit to take any examination or statement relating to any such offence shall not be deemed an open Court for that purpose, but it shall be lawful for such Justice or Justices, in his or their discretion, to order that no person (the counsel or attorney of any person then being in such Court as a prisoner only excepted) shall have access to, or be or remain in such place without the consent or permission of such Justice or Justices, if it appear to him or them that the ends of justice will be thereby best answered:

And if any person shall wilfully insult any Justice or Justices so sitting in any such Court or place, or shall commit any other contempt of any such Court, it shall be lawful for such Justice or Justices by any verbal order, either to direct such person to be removed from such Court or place, or to be taken into custody, and at any time before the rising of such Court, by warrant to commit such person to gaol for any period not exceeding seven days, or to fine such person in any sum not exceeding forty shillings.†

10. Whenever information shall be given to any Justice that any person has committed, or is suspected to have committed any treason, felony, misdemeanor, or other offence, within the limits of the jurisdiction of such Justice, for which such person shall be punishable either by indictment or upon a summary conviction; or that any person has committed or is suspected to have committed any such crime or offence elsewhere out of the jurisdiction of such Justice, either in *Great Britain* or *Ireland*, or in the *Isles of Man, Jersey, Guernsey, Alderney, or Sark*, and such person is residing or being, or is suspected to reside or be, within the limits of the

out of Petty Sessions, when the offender shall be unable to give bail for his appearance at Petty Sessions, is extended to 24 & 25 Vic., cc. 96, 97, 99, 100, by the 25 and 26 Vic. c. 50, s. 2.

\* The Magistrates are to be the judges of what is a convenient number in their Court; those who have business are first to be accommodated.— See notes on title "Court," Summary Index.

† See title "Contempt," and notes thereon, Summary Index.

jurisdiction of such Justice; or that any person has committed or is suspected to have committed any crime or offence whatsoever on the high seas, or in any creek, harbour, haven, or other place in which the Admiralty of *England* or *Ireland* have or claim to have jurisdiction,\* or on land beyond the seas, for which an indictment can be legally preferred in any place in the United Kingdom of *England* and *Ireland*,† and such person is residing or being, or is suspected to reside or be, within the limits of the jurisdiction of such Justice; or whenever a complaint shall be made to any Justice as to any other matter arising within the limits of his jurisdiction, upon which he shall have power to make a summary order, it shall be lawful for such Justice to receive such information or complaint, and to proceed in respect to the same, subject to the following provisions:

As to civil cases.

\* *Where Admiralty claim Jurisdiction.*—The extent of the maritime dominion of England seems to consist of two parts, the *profitable* and the *honorary*. The *profitable* regards our own coasts only, to a certain distance from the shore, in the sight whereof foreigners were not usually suffered to catch fish. The *honorary* is that of respect to the British flag, which we claim from all nations, and still support. The boundaries we have established for the purpose are the "British channel on the south, extending to the shores of France, and to those of Spain as far as Cape Finisterre; from thence by an imaginary line west twenty-three degrees of longitude from London to the latitude of sixty degrees north, which last is called the Western Ocean of Britain: from thence by another imaginary line in that parallel of latitude to the middle point of the land Van Staten, on the coast of Norway, which is the northern boundary; and from that point it extends along the shores of Norway, Denmark, Germany, and the Netherlands to the British Channel again, which last boundary comprehends what is called the Eastern Ocean of Britain." These are the original limits acquired at the time of King Alfred's beating the Danes out of these seas; and from thenceforth the Kings of England took on themselves the more peculiar guard and sovereignty of the seas, protecting the traders of all nations from the insults of pirates: and to answer the expense of keeping fleets at sea, and for protection, all nations who sailed into these seas paid a tribute in proportion to the burden of their ships; but this tribute is now confined to the ceremony of lowering the flag.

*The Isle of Man* is a distinct territory from England; no Act of Parliament extends to it unless it be particularly named therein. It was anciently governed by its own lord, who was called the King of the Island, and had a crown of gold, but he was subject to the King of England.

*The Isles of Jersey, Guernsey, Alderney, and Sark* were all parcels of the Duchy of Normandy, and were united to the Crown of England by the first princess of the Norman line.

† "For which indictment can be legally preferred in *England* or *Ireland*," &c.—See 24 & 25 Vic. c. 100, ss. 9 and 10, providing for trials of murder or manslaughter, committed within or without Her Majesty's dominions abroad by any subject of Her Majesty, and for the trial of murder or manslaughter committed upon the sea, or at any place in or out of *England* or *Ireland*, where persons dies upon the sea, or abroad. Crimes committed upon the high seas and abroad by British seamen to be triable as crimes committed within the Admiralty jurisdiction.—See Merchant

## INFORMATIONS AND COMPLAINTS.

It may be verbal, and without oath, in certain cases. It must be in writing, and on oath, in certain other cases. Binding the informant to prosecute.

In summary proceedings, complaints must be made for poor-rate, &c., at any time after the date of the warrant; for wages, &c., within one year; for trespass, within two months; in other cases, within six months.

In summary proceedings defendant entitled to copy of information or complaint when in writing.

## PROCESS TO ENFORCE APPEARANCE

1. Whenever it is intended that a summons only shall issue to require the attendance of any person, the information or complaint may be made either with or without oath, and either in writing or not, according as the Justice shall see fit.\*
2. But whenever it is intended that a warrant shall issue for the arrest or committal of any person, the information or complaint shall be in writing, and on the oath of the complainant or of some person or persons on his behalf.
3. Whenever any such information shall have been taken on oath and in writing, that any person has committed or is suspected to have committed any indictable crime or offence (or any offence for which such person shall be punishable upon summary conviction, and for whose arrest the Justice shall issue a warrant,) it shall be lawful for the Justice, if he shall see fit, to bind the informant or complainant by recognizance (A. a.\*) or (C.) to appear at the Court or place where the defendant is to be tried or the complaint is to be heard, to prosecute or give evidence, as the case may be, against such person.
4. In all cases of summary jurisdiction the complaint shall be made, when it shall relate to the non-payment of any poor-rate, county rate, or other public tax, at any time after the date of the warrant authorizing the collection of the same; and when it shall relate to the non-payment of money for wages, hire, or tuition, within one year from the termination of the term or period in respect of which it shall be payable; and when it shall relate to any trespass, within two months from the time when the trespass shall have occurred; and in any other case, within six months from the time when the cause of complaint shall have arisen, but not otherwise.

And in all cases of summary jurisdiction, any person against whom any such information or complaint shall have been made in writing shall, upon being amenable, or appearing in person, or by counsel or attorney, be entitled to receive from the Clerk of Petty Sessions a copy of such information or complaint, on payment of the sum of sixpence to such Clerk; and such Clerk shall in no case allow the original information or complaint to be taken out of his possession.

11. The manner in which persons against whom any such informations or complaints as aforesaid shall have been received by any Justice shall be made to appear to answer to the same shall be subject to the following provisions:

Shipping Act, 17 and 18 Vic., c. 104, s. 267, and which also provides for conveyance of offenders and witnesses. Depositions to be received in evidence when witness cannot be produced.—Sec. 270.

\* Reckless and disreputable persons frequently bring hasty and groundless charges, sometimes of a very heinous nature; to set forth these, or indeed any indictable crime, on the face of a summons, to be left at a man's residence, is in itself a serious thing to do. The Magistrate will (at all events in some cases) act wisely by requiring that the charge shall be supported by some sworn reliable information, and that there are reasonable grounds for putting the criminal law in motion. Of course the *nature of the charge and the character of the person making it*, will influence the Magistrate in exercising his discretion in the matter.



1. In all cases of indictable crimes and offences (where an information that any person has committed the same shall have been taken in writing and on oath) the Justice shall issue a warrant (B b.) to arrest and bring such person before him, or some other Justice of the same county, to answer to the complaint made in the information (and which warrant may be issued or executed on a *Sunday* as well as on any other day); or if he shall think that the ends of justice would be thereby sufficiently answered, it shall be lawful for him, instead of issuing such warrant, to issue a summons in the first instance to such person, requiring him to appear and answer to the said complaint; but nothing herein contained shall prevent any Justice from issuing a warrant for the arrest of such person at any time before or after the time mentioned in such summons for his appearance; and whenever such person shall afterwards appear or be brought before any such Justice he shall proceed according to the provisions hereinafter contained, as to taking the evidence against such person, and committing such person for trial.

PROCESS TO  
ENFORCE  
APPEAR-  
ANCE.

In cases of indictable offences, warrant to issue in the first instance.

But in certain cases a summons may issue.

If party appears or is arrested, Justice to proceed under subsequent provisions.

2. In all cases of summary jurisdiction the Justice may issue his summons (B a.) directed to such person, requiring him to appear and answer to the complaint, and it shall not be necessary that such Justice shall be the Justice, or one of the Justices by whom the complaint shall be afterwards heard and determined; and in all cases of offences, where such person shall not appear at the required time and place, and it shall be proved on oath either that he was personally served with such summons, or that he is keeping out of the way of such service (the complaint being in writing and on oath,) the Justice may issue a warrant to arrest and bring such person before him, or some other Justice of the same county, to answer to the said complaint; and when such person shall afterwards be arrested under such warrant, the Justice before whom he shall be brought may either by warrant (E b.) commit him to gaol, until the hearing of the complaint, or may discharge him upon his entering into a recognizance (C.), with or without sureties, at the discretion of the Justice, conditioned for his appearance at such hearing.\*

In cases of summary jurisdiction, summons to issue in the first instance;

but in certain cases a warrant may issue.

If party is arrested Justice may either commit or discharge on recognizance

And each summons or warrant shall be signed by the Justice or one of the Justices issuing the same, and it shall state shortly the cause of complaint, and no summons or warrant shall be signed in blank; and in every case where the offence shall have occurred or the cause of complaint shall have arisen within the Petty Sessions district for which the Justice issuing any such summons or warrant shall act, but the party or witness to whom such summons shall be directed, or against whom such warrant shall be issued, shall reside in an adjoining county, it shall be lawful for such Justice to compel the appearance of such party or witness at the hearing of the charge

Warrant or summons to be signed, but not in blank.

Summons or warrant may run into an adjoining county.

\* It will be seen that in a *summary* proceeding for any *offence*, before the Justice can issue warrant to compel appearance, there must be an information on oath, the summons must have been *personally* served, or it must be proved that defendant "is keeping out of the way of service."— See section 20 and notes.

or complaint within such district, in like manner as if such party or witness resided in such district, although such Justice may not be a Justice of such adjoining county.

**SERVICE OF SUMMONSES.**

Justices to appoint a summons-server.

By whom summons to be served.

What shall be deemed service.

Proof of service.

But this not to affect any special mode of service.

**WITNESSES.**

Justice may force witnesses to attend and give evidence

Issue of summons.

12. The manner in which summonses shall be served shall be subject to the following provisions :

1. It shall be lawful for the Justices of each Petty Sessions to appoint some one or more persons, who shall be able to read and write, to act as summons-server or servers of the district during the pleasure of such Justices ; and any such summons-server shall be entitled to be paid by the complainant or person for whom he may be employed such sum not exceeding the sum of sixpence for the service of each summons upon each party or witness (or upon any number of parties or witnesses in the same case who shall be served in the same house) as the Justices shall fix.
2. In cases of the offences prosecuted by the Constabulary, the summons shall be served by a head or other Constable, but in all other cases it may be served by the summons-server of the district, or (if the Justice issuing the same shall so direct or permit) by any other person whom the complainant shall employ, and who shall be able to read and write, but in no case by the complainant himself.
3. Every summons shall be served upon the person to whom it is directed by delivering to him a copy of such summons, or if he cannot be conveniently met with, by leaving such copy for him at his last or most usual place of abode, or at his office, warehouse, counting-house, shop, factory, or place of business, with some inmate of the house not being under sixteen years of age, a reasonable time before the hearing of the complaint ; and such last-mentioned service shall be deemed sufficient service of such summons in every case except where personal service shall be specially required by this Act ; and in every case the person who shall serve such summons shall endorse on the same the time and place where it was served, and shall attend with the same at the hearing of the complaint, to depose, if necessary to such service.

Provided always, that nothing herein contained shall be construed to affect the provisions of any Act authorizing the substitution of service in particular cases.\*

13. Whenever it shall be made to appear to any Justice that any person within the jurisdiction of such Justice is able to give material evidence for the prosecution in cases of indictable offences, or for the complainant or defendant in cases of summary jurisdiction, and will not voluntarily appear for the purpose of being examined as a witness, such Justice may proceed as follows :

1. He may issue a summons (B a.) to such person requiring him to appear at a time and place mentioned in such summons, to testify what he may know concerning the matter of the information or complaint, and (if the Justice shall see fit) to bring with him and produce for examination such accounts, papers, or other documents as shall be in his possession or power, and

\* Some statutes allow service by postings. It is so in the case of overholding small tenements.—14 & 15 Vic., c. 92, s. 15.

- as shall be deemed necessary by such Justice; but in any case of an indictable crime or offence, whenever the Justice shall be satisfied by proof upon oath that it is probable that such person will not attend to give evidence without being compelled so to do, then, (the information or complaint being in writing and on oath,) instead of issuing such summons as aforesaid, he may issue a warrant (B b.) in the first instance for the arrest of such person.
2. And in any case when any person to whom a summons shall be issued in the first instance shall neglect or refuse to appear at the time and place appointed by such summons, and no just excuse shall be offered for such neglect or refusal, then, (the information or complaint being in writing and on oath,) after proof upon oath that such summons was personally served upon such person, or that such person is keeping out of the way of such service, and that he is able to give material evidence in the case, the Justice before whom such person should have appeared may issue a warrant (B b.) to arrest such person, and to bring him at the time and place appointed for the hearing of the case, to testify and to produce such accounts, papers, and documents as may be required as aforesaid.
3. In all cases of prosecutions for offences, the evidence of the informer or party aggrieved shall be admissible in proof of the offence; and in all cases of complaints on which a Justice can make an order for the payment of money, or otherwise, the evidence of the complainant shall be admissible in proof of his complaint; and in cases of wages, hire, or tuition the evidence of the master or employer may, in the discretion of the Justices, be admitted in proof against the complaint:\*
4. All witnesses shall be examined upon oath, and any Justice before whom any such witnesses shall appear for the purpose of being so examined shall have full authority to administer to every such witness the usual oath:†
5. Whenever any person shall appear as a witness, either in obedience to a summons or by virtue of a warrant (or shall be present, and shall be verbally required by the Justice or Justices to give evidence), and he shall refuse to be examined upon oath concerning the matter of the information or complaint, or shall refuse to take such oath, or having taken such oath, shall refuse to answer such questions concerning the said matter as shall then be put to him, or shall refuse or neglect to produce any such accounts, papers, or documents as aforesaid (without offering any just excuse for such refusal), the Justice or Justices then present may adjourn the proceedings for any period not exceeding eight clear days, and may in the meantime by warrant (E b.) commit the said witness to gaol, unless he shall sooner consent to be sworn or to testify as aforesaid, or to produce such accounts, papers, or documents, as the case may be; and if such witness, upon being brought up upon such adjourned hearing, shall again refuse to be sworn, or to testify

WITNESSES.

In cases of indictable offences, warrant may issue in the first instance

If summons be not obeyed, Justices may issue warrant to arrest witness.

What persons shall be competent witnesses:

Prosecutors and complainants in all cases.

Defendants in wages cases.

Witnesses to be examined on oath.

Witnesses refusing to be examined may be committed from time to time till they consent to be examined.

\* In all civil cases, the plaintiff and defendant are now competent and admissible; see Law of Evidence, *Appendix*.

† But see "Affirmation," and note thereon, page 2.

## WITNESSES.

But this not to prevent case from being disposed of on other sufficient evidence.

In cases of indictable offences, witnesses may be bound to give evidence, and on refusal may be committed;

but if party is not committed or bailed, witness to be liberated.

Justices may order payment to witnesses in civil cases not exceeding 2s. 6d.

Witnesses to be protected from arrest for debt:

and if arrested shall be discharged by the Court.

## TAKING THE EVIDENCE—INDICTABLE OFFENCES.

Justices to take depositions.

as aforesaid, or to produce such accounts, papers, or documents, as the case may be, the said Justices, if they shall see fit, may again adjourn the proceedings, and commit the witness for the like period, and so again from time to time, until he shall consent to be sworn or to testify as aforesaid, or to produce such accounts, papers, or documents, as the case may be (provided that no such imprisonment shall in any case of summary jurisdiction exceed one month in the whole); but nothing herein contained shall be deemed to prevent the Justice or Justices from sending any such case for trial, or otherwise disposing of the same, in the meantime, according to any other sufficient evidence which shall have been received by him or them:

6. Whenever, in cases of indictable offences, the Justice or Justices shall see fit, they may bind the witnesses by recognizance (A b.\*) or (C.) to appear at the trial of the offender and give evidence against him; and whenever any witness shall refuse to be so bound, it shall be lawful for the Justice or Justices by warrant (E b) to commit him to the gaol of the county or place in which the person accused is to be tried, there to be imprisoned until the trial of the person accused, unless in the meantime such witnesses shall duly enter into recognizance (C.) before some Justice of the county in which such gaol shall be situated; but if afterwards, from want of sufficient evidence or other cause, the Justice or Justices before whom the person accused shall have been brought shall not commit him or hold him to bail, it shall be lawful for such Justice or Justices, or any other Justice of the county, by warrant (E d.) to order the Keeper of the gaol to discharge such witness:

7. In all cases of summary jurisdiction it shall be lawful for the Justice by whom any order for payment of money, not being in the nature of a penalty for an offence, shall be made, to order the party at whose instance any witness shall have been summoned to pay to such witness such sum, not exceeding two shillings and sixpence, as to such Justices shall seem fit, for his expenses or loss of time for each day of attending to give evidence, and in default of payment thereof at such time as such Justice shall appoint, then to issue a warrant to levy the amount thereof by distress of the goods of such party:

And no person who shall be summoned to attend before any Court of Petty Sessions, or before any Justice out of Petty Sessions, as a witness, shall be liable to arrest for debt whilst at such Court, or at the place where such Justice shall sit, or whilst proceeding to or returning from the same, provided he shall proceed and return by the most direct road without unnecessary delay; and it shall be lawful for the Court out of which the writ or process shall have issued to order the discharge of any person who shall be so arrested.\*

14. The manner in which the evidence shall be taken in proceedings for indictable offences shall be subject to the following provisions:

1. In every case where any person shall appear or be brought before any Justice or Justices charged with any indictable

\* The Magistrates have no power to order the discharge from the arrest.

crime or offence, such Justice or Justices,\* before committing such person for trial, or admitting him to bail, shall, in the presence of such person, who shall be at liberty to put questions to any witness produced against him, take the depositions (A. b.) on oath and in writing of those who shall know the facts of the case, and such depositions shall be read over to and signed respectively by the witnesses who shall have been so examined, and shall also be signed by the Justice or one of the Justices who shall take the same; and if upon the trial of the person so accused it shall be proved by the oath of any credible witness that any person whose deposition shall have been so taken is dead, and that such deposition was taken in the presence or hearing of the person accused, and that he or his counsel or attorney had an opportunity of cross-examining such witness, it shall be lawful to read such deposition as evidence on the trial, without further proof thereof, unless it shall be proved that the same was not signed by the Justice purporting to have signed the same:†

TAKING THE EVIDENCE.—INDICTABLE OFFENCES.

Depositions of witnesses who have died.

2. Whenever the examination of the witnesses on the part of the prosecution shall have been completed, the Justice or one of the Justices present, shall (without requiring the attendance of the witnesses) read or cause to be read to the person accused

Statement of prisoner.

\* The Clerk to the Justices may take down the depositions, &c.; it is his duty to do so (sec. 5). The Judge of Assize, or Justices at Quarter Sessions, may fine him £20 for wilful neglect. It seems also that if depositions be carelessly or illegibly written, it will amount to a contempt of Court. At the Liverpool Assizes, 1862, Mr. Baron Wilde fined a Coroner £10 for depositions which were badly and illegibly written by him; his lordship remarked that negligence of this kind amounted to contempt of Court, as it interfered with the operations of Justice. The directions of Sec. 14 should be most attentively followed.—See Circular Letter of 24th August, 1854, (Appendix), on the subject.

On the opening of the Commission at a recent Assizes, Baron Deasy called Magistrates' attention to the necessity of strictly complying with the Act of Parliament and the form in Schedule, by setting out in the Informations and Depositions the *cause of the complaint with the time and place*. Should a witness die before the trial, in order to the Information or Deposition being allowed to be read in evidence, it must be so complete as to point with certainty to the precise offence with which the Prisoner is charged, and the witness being dead no amendment can be made in his evidence. By a reference to the forms in the Schedule it will be seen that they begin with the offence, to which the witness speaks. In the case of a living witness many defects of form may be cured, but in the case of a deceased witness it is otherwise, the more particularly when the deceased may happen to be the only witness.

The Information or Deposition should be taken in the first person, that is, as the witness speaks, and as if he were writing his own statement. ¶

† But there are other cases where, although the informant be not dead, his evidence may be read on the trial. It is so under the Whiteboy Act, 1 & 2 Wm. IV., c. 44, s. 8, where the witness may be maimed, carried away, and secreted by, or by some one in the favour of the accused. And in crimes, &c., committed at sea or abroad, depositions taken as therein to be received in evidence when the witness cannot be produced.—Merchant Shipping Act, 17 and 18 Vic., c. 104, s. 270.

**TAKING THE EVIDENCE.—INDICTABLE OFFENCES.**

Justices to caution prisoner, and then take down his statement;

but prosecutor may give any other statement also in evidence.

Remanding prisoner. May be remanded for any time not exceeding eight days; but may be ordered up sooner. In cases of indictable offences after the examinations, &c., have been completed, defendant entitled to copies of depositions.

the several depositions, and then take down in writing the statement (A. c.) of such person (having first cautioned him that he is not obliged to say anything unless he desires to do so, but that whatever he does say will be taken down in writing, and may be given in evidence against him on his trial);\* and whatever statement the said person shall then make in answer to the charge shall, when taken down in writing, be read over to him, and shall be signed by the said Justice or one of the Justices present, and shall be transmitted to the Clerk of the Crown or Peace, as the case may be, along with the depositions, and afterwards, upon the trial, may, if necessary, and if so signed, be given in evidence against the person accused, without further proof thereof, unless it shall be proved that it was not signed by the Justice purporting to sign the same; but nothing herein contained shall prevent the prosecutor from giving in evidence any admission or confession, or other statement made at any time by the person accused, and which would be admissible by law as evidence against such person:

But if from the absence of any witnesses, or from any other reasonable cause, it shall become necessary or advisable to defer the examination or further examination of the witnesses for any time, it shall be lawful for the Justice before whom the person accused shall appear or be brought, either to admit such person to bail in manner hereinafter provided, or by warrant (E. b.) from time to time to remand such person to gaol for such time as the Justice shall deem expedient, not exceeding eight clear days; but any such Justice may order the said person to be brought before him or some other Justice of the county, at any time before the expiration of the period for which he shall have been so remanded: Provided always, that at any time after the examinations in any proceedings for an indictable offence shall have been completed, and on or before the first day of the Assizes or Sessions or other first sitting of the Court at which any person committed to gaol or admitted to bail is to be

\* *Prisoner's Statement.*—"On the examination of the prisoner before the committing Magistrates, upon the charge of felony, the Magistrates' Clerk told him not to say anything to prejudice himself, as what he said would be taken down 'and used for or against him at his trial.' (Coleridge, J.) Ruled that this was an inducement to the prisoner to make a confession, held out by a person in authority, and that the prisoner's statement, which had been taken down and signed, could not be received in evidence."—*Drew's Case*, 8 C. & P. 140.

Where the committing Magistrates told the prisoner "to be sure to tell the truth," upon which the prisoner made a statement, it was held that such statement was admissible in evidence.—*Courts' Case*, 7 C. & P., 486; *Littledale, J.* The proper course is to follow the directions of the statute, and allow the prisoner to make his statement, and to take down in his own words what he says. But the Magistrates should be careful not to dissuade the prisoner from making his statement, for that would be shutting up one of the sources of justice.

In *R. v. Arnold*, 8 C. & P., 621, Lord Denman says:—"The frequent warnings given to prisoners not to say anything that may criminate themselves, render it necessary for me to set right a prevalent error on this subject. A prisoner is not to be entrapped into making a statement; but

tried, such person may require and shall be entitled to receive from the officer or person having the custody\* of the same, copies of the depositions on which he shall have been committed or bailed (or copies of any depositions taken at any inquest, in case of murder or manslaughter,) on payment of a reasonable sum for the same, not exceeding a sum at the rate of three halfpence for each folio of ninety words.

15. The manner in which the person accused shall be disposed of when the evidence shall have been taken in proceedings for indictable offences shall be subject to the following provisions:

1. Whenever the offence shall have been committed within the jurisdiction of the Justice or Justices present, and he or they shall be of opinion that the evidence is not sufficient to put such accused person on his trial, he or they shall forthwith order such accused person, if in custody, to be discharged as to the information then under inquiry; but if in the opinion of such Justice or Justices such evidence is sufficient to put such person on his trial, or if such evidence raises a strong or probable presumption of guilt, then such Justice or Justices shall either by warrant (E b.) commit him to gaol, to be there kept until his trial for the said offence, or shall admit him to bail in manner hereinafter provided, according as he or they shall see fit:

2. Whenever any person shall appear or be brought before any Justice charged with an offence alleged to have been committed by him in any county or place in *Ireland* wherein such Justice shall not have jurisdiction, it shall be lawful for such Justice, and he is hereby required to examine such witnesses, and receive such evidence in proof of such charge as shall be produced before him within his jurisdiction; and if in his opinion such evidence shall be sufficient proof of the said charge, such Justice shall thereupon, either by a like warrant (E b.) commit the person accused to the gaol of the county or place wherein the

DISPOSAL OF  
THE  
PRISONER.—  
INDICTABLE  
OFFENCES.

When evidence has been completed Justices to discharge, or commit, or admit to bail.

Justice of one county may examine as to offence committed in another county, and either commit prisoner or admit him to bail.

when the prisoner is willing to make a statement, it is the duty of the Magistrate to receive it; but Magistrates before they do so ought entirely to get rid of any impression made on the prisoner's mind, that the confession may be used for his own benefit, and the person ought also to be told that what he says will be taken, and may be used against him on his trial." With respect to statements made by persons to constables (without being cautioned) it may not perhaps be proper for the Magistrate to refuse such evidence. If the constable tender his evidence, the Magistrate may take it; its admissibility will be for the Court, on the trial.

\* Although the Magistrate's Clerk may, if he think fit, give the copies, strictly speaking the Clerk of the Crown or Peace is the officer who has "custody" of the depositions. The authority in the above section to furnish copies of the depositions, and the fee to be charged, is similar to the provision in the Prisoner's Counsel Act, 6 & 7 Wm. IV., c. 114, s. 8. Prisoners remanded or committed for re-examination, are not entitled to have copies of the depositions.—*Reg. v. the Lord Mayor of London*; 1 Car., H. and A, 40.

A Magistrate is not bound to give copy of an information to a person charged with felony with a view to bring an action against the person who made it.—*Ex parte West v. Plumbtree*, a Magistrate of Kent. 1865, Q. B., England.

If evidence is not sufficient, Justice may send prisoner to county where offence was committed;

but if evidence not sufficient, and party not bailed, former recognizance to be void.

**BAILING PRISONER.—INDICTABLE OFFENCES.**

Persons charged with certain felonies and misdemeanors may be admitted to bail, at the discretion of the Justice, before commitment for trial.  
1 & 2 Wm. 1v. c. 44.

offence shall be alleged to have been committed, or shall admit him to bail, according as such Justice shall see fit; but if in his opinion such evidence shall not be sufficient to put the accused party on his trial, then such Justice shall bind over the prosecutor, if he shall have appeared, and the witnesses, to give evidence when required so to do, and shall thereupon, by warrant (E. c.) order such person to be taken before some Justice of the county in which and near the place where the offence is alleged to have been committed, and shall at the same time deliver to the person having the execution of such warrant the information, depositions, and recognizances, if any, so taken, to be delivered to the Justices before whom the accused person shall be taken in obedience to such warrant, and such information, depositions, and recognizances shall be treated to all intents as if they had been taken before such last-mentioned Justice:

Provided always, that if such last-mentioned Justice shall not think the evidence against such accused party sufficient to put him on his trial, and shall discharge him without holding him to bail, any recognizance so taken by the said first-mentioned Justice shall be null and void.

16. The admission to bail of persons charged with indictable offences shall be subject to the following provisions:

1. In every case where any person shall be charged before any Justice in manner aforesaid with any felony (save as hereinafter excepted), or with any assault with intent to commit any felony, or with any attempt to commit any felony, or with any offence against an Act of the first and second years of His late Majesty King William the Fourth, intituled *An Act to amend an Act, passed in the Parliament of Ireland in the fifteenth and sixteenth years of the reign of His Majesty King George the Third, intituled 'An Act to prevent and punish tumultuous Risings of Persons within this Kingdom, and for other purposes therein mentioned,'* or with obtaining or attempting to obtain property by false pretences, or with a misdemeanor in receiving property stolen or obtained by false pretences, or with perjury or subornation of perjury, or with concealing the birth of a child by secret burying or otherwise, or with wilful and indecent exposure of the person, or with riot, or with assault in pursuance of a conspiracy to raise wages, or assault upon peace officer in the execution of his duty, or upon any person acting in his aid, or with neglect or breach of duty as peace officer, or with any misdemeanor for the prosecution of which the costs may be allowed out of the county rate or funds, it shall be lawful either for the Justice before whom such charge shall be made, at any time before such person shall have been committed to gaol, or for the Justice by whom the warrant to commit shall have been signed, at any time afterwards, and before the first day of the sitting of the Court before which he shall have been committed to be tried, if (having regard to the nature of the charge, and the cogency of the evidence adduced in support of it,) it appears to him to be a case in which bail ought to be taken, to admit such accused person to bail by recognizance (C.) with one or more sufficient sureties, at the discretion of the Justice, condi-



tioned that he will appear at the time and place when and where he is to be tried, for such offence, and that he will then surrender and take his trial, and not depart the Court without leave; and whenever in any such case the accused person shall not be so admitted to bail, if the committing Justice shall be of opinion that he ought to be admitted to bail, he shall certify (I c.) on the warrant of commitment his consent to his being bailed, stating also the amount of bail which ought to be required; and any Justice of the county attending or being at the gaol where such accused party shall be in custody, on production of such certificate at any time before the first day of the sitting of the Court before which he shall have been committed to be tried, may admit such accused person to bail in manner as aforesaid.

2. In every case where any person shall be charged before any Justice with any indictable misdemeanor other than those hereinbefore mentioned, such Justice, after taking the examinations, instead of committing him to prison, shall, upon the application of such person, (and upon being satisfied as to the sufficiency of the bail offered), admit him to bail in manner aforesaid, or if he shall have been committed to gaol, and shall apply to any Justice for the same county to admit him to bail at any time before the first day of the sitting of the Court before which he shall have been committed to be tried, such Justice shall admit him to bail in manner aforesaid.\*

And whenever it shall not be convenient for the surety or sureties in any case to attend at the gaol to join with the accused person in the recognizance of bail, then the committing Justice, or the Justice by whom such person can be admitted to bail, as the case may be, shall make a duplicate of such certificate (I c.) as aforesaid, and upon the same being produced to any Justice for the same county, it shall be lawful for such last-mentioned Justice, before such time as aforesaid, to take such recognizance of the surety or sureties in conformity with such certificate, and upon such recognizance being transmitted to the keeper of such gaol, and produced to any Justice attending or being at such gaol, it shall be lawful for such last mentioned Justice, before such time as aforesaid, to take the recognizance of such accused person in like manner as if the sureties were present; and in all cases where a Justice shall admit to bail any person who shall then be in any gaol charged with the offence for which he shall be so admitted to bail, such Justice shall send to or cause to be lodged with the Keeper of such gaol a warrant (E d.) requiring the said Keeper to discharge the person so admitted to bail, if he be detained for no other offence or under no civil process, and upon such warrant being delivered to such Keeper he shall forthwith obey the same: Provided always, that no Justice shall admit any person to bail for treason, or for any felony under an Act of the eleventh year of Her present Majesty's reign, intituled "An

BAILING PRISONER.—INDICTABLE OFFENCES.

In such cases the committing Justice to certify on warrant his consent to bail;

and any other Justice may admit to bail.

Persons charged with other misdemeanors shall be admitted to bail at any time as of right.

When sureties cannot attend, Justice to give a duplicate certificate.

When Justice admits a person to bail after commitment, he shall order his discharge, if not detained for any other offence or under civil process; but no bail in cases of treason or of felony under 11 & 12 Vic. c. 12, but by order of the

\* Under this section any Magistrate may and ought to admit the prisoner to bail as a matter of right, and may also measure the security; but as the committing Justice is best acquainted with the facts of the case, he should endorse on the committal the bail required.

**BAILING PRISONER.—INDICTABLE OFFENCES.**

Lord Lieutenant, or Chief Secretary, or Queen's Bench.

Where party is about to abscond, Justice may, upon application of bailsmen, order arrest, and require new bail.

Warrant to arrest a party against whom an indictment is found.

Party so arrested to be committed for trial or bailed.

If party indicted be in prison for some other offence, Justice to order his detention.

But not to interfere with Bench warrants, &c.

*Act for the better Security of the Crown and Government of the United Kingdom,"* nor shall any such last-mentioned person be admitted to bail except by order of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or his or their Chief Secretary, or by Her Majesty's Court of Queen's Bench at *Dublin*, or a Judge thereof in vacation.

17. Whenever any person charged with any such indictable crime or offence as aforesaid shall have been bailed in manner aforesaid, it shall be lawful for the Justice by whom he shall have been bailed, or for any other Justice if he shall see fit, upon the application of the surety or of either of the sureties of such person, and upon information being made in writing and on oath by such surety, or by some person on his behalf, that the person so bailed is about to abscond for the purpose of evading justice, to issue his warrant for the arrest of such person so bailed, and afterwards, upon being satisfied that the ends of justice would otherwise be defeated, to commit such person, when so arrested, to gaol, until his trial, or until he shall produce another sufficient surety or other sufficient sureties, as the case may be, in like manner as before.

18. Whenever an indictment shall have been found by the Grand Jury in any Court of Oyer and Terminer or General Gaol Delivery, or at any General or Quarter Sessions of the Peace in *Ireland*, against any person who shall then be at large, and who shall not already have appeared and pleaded to such indictment, (and whether such person shall have been bound by recognizance to answer to the same or not,) the person who shall act as Clerk of the Crown at such Court, or as Clerk of the Peace at such Sessions, shall, at any time after the end of the Assizes or Sessions at which such indictment shall have been found, upon application of the prosecutor or of some person on his behalf, and free from charge, grant unto such prosecutor or person a certificate (I b.) of such indictment having been found; and upon production of such certificate to any Justice for the county in which the offence shall be alleged in such indictment to have been committed, or in which the person thereby indicted shall reside or be, or be suspected to reside or be, such Justice shall issue his warrant to arrest such person, and to cause him to be brought before him, or some other Justice for the same county, to be dealt with according to law; and upon such person being so brought before such Justice, and upon its being proved on oath that the person so arrested is the same person who is charged and named in such indictment, such Justice shall, without further inquiry, either commit him for trial or admit him to bail, in manner aforesaid; and in any such case as last aforesaid, if the person so indicted shall at the time be confined in any gaol for any other offence than that charged in such indictment, such Justice shall, upon like proof on oath that the person so confined is the same person who is so charged in such indictment, issue his warrant (E b.) to the Keeper of such gaol, commanding him to detain such person in his custody until he shall be discharged therefrom by the course of law; but nothing herein contained shall be deemed to prevent any Clerk of the Crown or Peace or other officer from issuing any warrant in any such case for the arrest of any such person which he might otherwise by law issue.

19. The manner in which information, examinations, statements of accused parties, and recognizances, in proceedings for indictable offences, shall be disposed of, when taken, shall be subject to the following provisions:

1. Every such information, examination, statement, and recognizance sworn, taken, or acknowledged by or before any Justice not sitting in Petty Sessions shall, with all convenient despatch, and at the latest before the Petty Sessions then next ensuing for the district where the case may have arisen, be transmitted by him to the Justices at such Petty Sessions, except in cases where the person accused shall not have been committed or shall not be amenable, and such Justice shall deem it expedient to retain such documents for a longer period:
2. The Justices at Petty Sessions shall transmit or cause the Clerk of Petty Sessions to transmit every such information, examination, statement, or recognizance so received from any Justice out of Petty Sessions, or which shall be sworn, taken, or acknowledged at Petty Sessions, to the Clerk of the Crown of the county where the same shall relate to any matter to be tried at the Assizes, or to the Clerk of the Peace where same shall relate to any matter to be tried at Quarter Sessions, with all convenient despatch, or at latest within seven days from the holding of each Petty Sessions where the party shall have been committed or shall be amenable (or at least seven days before the Assizes or Quarter Sessions, as the case may be, where the party shall not have been committed or shall not be amenable), except in cases of indictable offences where the party shall not have been committed or shall not be amenable, and the Justices shall deem it expedient to retain such documents for a longer period:
3. In every case where any such documents, whether taken in or out of Petty Sessions, shall be so retained by any Justice for a longer period than is hereinbefore provided, he shall endorse on the same his reason for such retention:

DISPOSAL OF THE INFORMATIONS, &c.—  
INDICTABLE OFFENCES.

Informations &c., taken before Justice out of Petty Sessions to be transmitted to Petty Sessions.

Informations &c., to be transmitted to the Clerks of the Crown and Peace,

but when detained, Justice to certify reason.

Mode of transmitting informations, &c.

And in all cases where the Justices shall deliver to the Clerk of Petty Sessions any such information, examination, statement, or recognizance to transmit to the Clerks of the Crown or Peace, the said Clerk of Petty Sessions shall forthwith make an abstract or schedule of the same, specifying the dates of the same, and the dates when the same were received by him; and (when there shall be no more convenient or safe mode of transmission,) and he shall be so directed by the Justices, he shall transmit such schedule, together with the informations, examinations, and recognizances therein referred to, to the said Clerks of the Crown or Peace, as the case may be, through the General Post Office, prepaying the same, and obtaining a receipt from the Postmaster where the same shall be posted, specifying the date of such posting, and for which the Postmaster by whom the same shall be delivered shall in like manner obtain a like receipt from the Clerk of the Peace, or Clerk of the Crown, as the case may be, and which receipts such Postmaster and such Clerk of the Crown or Peace are hereby required to give; and the Grand Jury of the county shall, at the Assizes, present to be paid to such Clerks of Petty Sessions the amount of the postage prepaid by them for the transmission of such documents as afore-

Grand Jury to present amount of postage.

said; and the sums so presented shall be levied as other moneys presented by such Grand Jury.

HEARING  
THE CASE.—  
SUMMARY  
JURIS-  
DICTION.

Where both  
parties  
appear, case  
to be heard  
on both  
sides.

Right of  
reply.

Proof of a  
negative.

Where def-  
endant does  
not appear,  
hearing may  
be *ex parte*.

Where com-  
plainant does  
not appear,  
case to be  
dismissed or  
adjourned.

Justices to  
take down  
evidence in  
offence cases  
in writing, if  
required by  
party.

20. In all cases of summary jurisdiction the proceedings upon the hearing of the complaint shall be subject to the following provisions:

1. Whenever the defendant or his agent shall be present, the substance of the complaint shall be stated to him, and if he thereupon admit the truth of the complaint, then the Justices shall, if they shall see no sufficient reason to the contrary, convict or make an order against him accordingly, but if he do not admit the truth of the complaint, then the Justices shall proceed to hear such evidence as may be adduced in support of the complaint, and also to hear their defence, and such evidence as may be adduced on behalf of the defence, and also such evidence as the complainant may adduce in reply, if such defendant shall have given any evidence other than as to his, the defendant's, general character; but the complainant or his agent shall not be entitled to make any observations in reply upon the evidence given by the defendant, nor shall the defendant or his agent be entitled to make any observations in reply upon the evidence given by the complainant in reply; and if the information or complaint shall negative any exemption, exception, proviso, or condition in the statute on which the same shall be framed, it shall not be necessary for the complainant to prove such negative, but the defendant may prove the affirmative thereof, if he will have advantage of the same:
2. Whenever the defendant or his agent shall not appear at the time and place mentioned in the summons, and it shall appear to the Justices on oath that the summons was duly served a reasonable time before the time therein appointed for appearing, and no sufficient grounds shall be shown for an adjournment, the Justices may either proceed *ex parte* to hear and determine the complaint, or may adjourn the hearing to a future day.\*
3. Whenever the defendant or his agent shall appear at the time and place appointed in the summons, or shall be brought before the Justice by virtue of any warrant, then, if the complainant (having, in the case of a warrant, had due notice of the defendant's arrest) do not appear by himself or his agent, the Justices may either dismiss such complaint, or may adjourn the hearing to a future day:
4. Whenever any Justices shall proceed to hear and determine any complaint or information as to an offence, they, or one of them, shall, when required so to do by either party, or his

\* Justices may hear the case *ex parte*, where the summons has been duly served, as prescribed by sec. 12, but they cannot issue a warrant to compel the appearance in a case of summary adjudication, unless summons be personally served, or that defendant is keeping out of the way of service (the complaint being in writing and on oath).—Sec. 11.

It will be for the Justices to say what a "reasonable time" before the hearing is, except the Act under which complaint made prescribe a specific time for the service.

agent, take or cause to be taken a note in writing of the evidence, or of so much thereof as shall be material, in a book to be kept for that purpose by the Clerk of Petty Sessions, and which book shall be signed by one of the Justices by whom such information or complaint shall have been heard on the day on which the same shall have been determined :

And whenever all the cases shall not have been heard and determined on any Court-day, the Justices then present may adjourn the remaining cases either to the next Court-day or to such other day as they shall see fit; and whenever, either before or during the hearing of any complaint, it shall appear advisable, the Justices present may, in their discretion, adjourn the hearing of the same to a certain time or place to be then appointed and stated in the presence and hearing of the party or parties or their agents; and all persons whose attendance shall have been required by any summons in any of the cases so adjourned shall take notice of such adjournment, and shall be obliged to attend on the day to which such adjournment shall take place, without the issue or service of any further summons; and in all cases of such adjournments, the said Justices may suffer the defendant to go at large, or, in prosecutions for offences (where there shall be an information in writing and on oath that the defendant is guilty of the offence), may commit him to gaol by warrant (E b.), or may discharge him upon his entering into a recognizance (C.), with or without sureties, at the discretion of the Justices, conditioned for his appearance at the time and place to which such hearing or further hearing shall be adjourned.

21. In all cases of summary jurisdiction the Justices, having heard what each party shall have had to say, and the evidence adduced by each, shall either make such order as shall be authorized by the Act under which the complaint shall be made, or shall dismiss the complaint either upon the merits or without prejudice to its being again made; and the entry of the order so made shall be as follows :

1. One of the Justices then present shall thereupon enter or cause the Clerk to enter the particulars of such case and the substance of the decision thereon in a book to be kept for that purpose, to be called the "Order Book," according to the form (D.), (and shall, in case of a dismissal, state whether the same is upon the merits or without prejudice to a further complaint); and such entry, when one of the Justices present shall have signed his name opposite to it or after it) (which one of the said Justices is hereby required to do), shall be deemed to all intents and purposes a conviction or order as the case may be:\*
2. Whenever any Justice or Justices shall have made any such conviction or order out of Petty Sessions, in the cases permitted by this Act to be decided out of Petty Sessions,† he or they shall either enter the same in the order book in manner aforesaid, or shall enter the substance of the decision in the form of certificate (I a.), and shall forthwith, or at furthest before

HEARING  
THE CASE—  
SUMMARY  
JURISDIC-  
TION.

Justices may  
adjourn the  
Court gene-  
rally, or may  
adjourn  
particular  
cases:

and either  
allow defend-  
ant to go at  
large, or  
commit him,  
or bind him  
by recogni-  
zance to  
appear.

ADJUDICA-  
TION OF  
CASE—  
SUMMARY  
JURISDIC-  
TION.

Justices  
either to con-  
vict, or to  
dismiss the  
complaint on  
the merits, or  
without pre-  
judice.

Entry of  
orders.

If order  
made out of  
Petty Ses-  
sions.

\* See present form of order book, and specimen for entering orders and keeping same, forms in schedule hereto.

† The cases referred to in which he can make the order out of Petty Sessions, are drunkenness, vagrancy, fraud in the sale of goods, and disputes as to sales in fairs and markets.—See sec. 8.

ADJUDICATION OF CASE.— SUMMARY JURISDICTION.

Return and entry of cases decided out of Petty Sessions in which Constabulary prosecute or act.

Copies of convictions need not be returned to Quarter Sessions as hitherto; but certificate of order to be given to party; and certificate of a dismissal on the merits to be a bar to future proceedings; and to be good evidence of conviction.

General powers in adjudicating.

Justices may in all cases fix the time and manner of payment.

In all cases, distress may be ordered on non-payment.

the next Court-day, deliver or forward such certificate to the Clerk of the Petty Sessions of the district, who shall enter the same in the proper order book (with a special note that he has so done), and shall submit such entry for signature to the Justice or one of the Justices by whom the order shall have been made upon the next day of his attendance at Petty Sessions; but in case such Justice shall not sign the same, the Clerk shall make a special entry to that effect in the order book opposite to such case, and shall preserve the original certificate as a record of the proceeding:

3. The Sub-Inspector of Constabulary of the district shall make a return to the Justices at each Petty Sessions of the particulars of any cases of summary jurisdiction in which any Justices of the said Petty Sessions shall have made any order or issued any warrant out of Petty Sessions, and in which any Head or other Constable of such district shall have been engaged, since the next preceding Petty Sessions:

And it shall not hereafter be necessary to return to Quarter Sessions copies of the summary convictions so made and entered at Petty Sessions; but, if either party shall require it, a certificate (Form I a.) of any order so made (signed by the Justice who shall have made the same, or by any other Justice of the same Petty Sessions), shall be delivered to him at any time, and such certificate shall operate to all intents as a good form of conviction or order, as the case may be, for any purpose for which any form of conviction or order may now by law be required; and in case of a dismissal, where the same shall be stated therein by the Justice to have been a dismissal on the merits, or that any assault was of a trifling or justifiable nature (and which he is hereby required to state if the case be so), such certificate upon being produced shall be a bar to any subsequent information or complaint for the same matter against the same party; and in any such case such certificate shall, on proof of the signature of the Justice to the same, be received as good evidence of the conviction or order in all Courts of Justice.\*

22. In all cases of summary jurisdiction it shall be lawful for the Justices in adjudicating thereon to exercise the following general powers, whether the same shall be authorized by the Act under which the complaint shall be made or not.†

1. In every case where the Justices shall be authorized to award any penal or other sum, they may order that the same shall be paid either forthwith or at such time as they shall see fit to fix for that purpose, and, in cases of a civil nature, that such sum may be paid either at once, or by instalments:
2. In every case where the Justices shall award any penal or other sum to be paid, they may order that, in default of the said sum being paid at the time and in the manner directed by their order,

\* But the Larceny Acts, 24 & 25 Vic., c. 95, sec. 112; 18 & 19 Vic., c. 126; and the Malicious Injuries Act, 24 & 25 Vic., c. 97, s. 70, require that convictions for offences under them shall be returned to the Quarter Sessions. See forms of conviction, *Appendix*.

† The 25 and 26 Vic., c. 50, directs that all proceedings for enforcing summary orders, &c., shall be subject to the provisions of 14 & 15 Vic., c. 93, and 21 & 22 Vic., c. 100.

the goods of the person against whom the said order shall be made shall be distrained for such sum, or for so much of such sum as shall remain unpaid at the time fixed, and also for the costs of such distress :

3. In every case of an offence where they shall order that a distress shall be made in default of payment of any penal sum, they may order that in default of the said sum being paid as directed, the said person shall be imprisoned for any term not exceeding the period specified in the following scale.\*

ADJUDICATION OF CASE.—SUMMARY JURISDICTION.

In offence cases, imprisonment may be ordered in default of distress, according to scale;

| For any sum                                         | The imprisonment not to exceed |
|-----------------------------------------------------|--------------------------------|
| Not exceeding 5s. . . . .                           | One week.                      |
| Exceeding the last, but not exceeding 10s. . . . .  | Two weeks.                     |
| Exceeding the last, but not exceeding £2 . . . . .  | One month.                     |
| Exceeding the last, but not exceeding £5 . . . . .  | Two months.                    |
| Exceeding the last, but not exceeding £10. . . . .  | Three months.                  |
| Exceeding the last, but not exceeding £30 . . . . . | Four months.                   |
| Exceeding the last, but not exceeding £50 . . . . . | Six months.                    |
| Exceeding the last . . . . .                        | One year.                      |

And any such imprisonment shall be determinable upon payment of the said sum and costs, and any costs of the distress, where a distress shall have been made; and such imprisonment may be directed in the same warrant as such distress; but if the said person shall admit, or if it shall be otherwise proved on oath, that he has no goods, or that a distress would be ruinous to him or his family, they may order that such person shall be imprisoned in the first instance for the like period for which he might be imprisoned in default of distress :

and may be directed by same warrant.

So also in like cases in the first instance, where no goods or the distress would be ruinous.

\* *Scale* :—In convictions under the Larceny Act, 24 & 25 Vic., c. 96, s. 107, and the Malicious Injuries Act, 24 & 25 Vic., c. 97, s. 65, it is enacted, that unless where otherwise specially directed, the Justice may imprison the offender, with or without hard labour, for any term not exceeding two months where the amount of the sum forfeited, or of the penalty imposed, or both (as the case may be), together with the costs, shall not exceed five pounds, and for any term not exceeding four months, where the amount with costs shall not exceed ten pounds, and for any term not exceeding six months in any other case; the commitment to be determinable upon payment of the amount and costs. In all *intermediate* fines up to five pounds, the scale in the Petty Sessions Act is a safe and proper scale to follow. It is to be observed that under the Petty Sessions Act, the imprisonment is directed to be according to the *penal sum* ordered, while under the Larceny and Malicious Injuries Acts referred to, the Justice may order the imprisonment to be in proportion to the "penalty or forfeiture, or both."

ADJUDICATION OF CASES.— SUMMARY JURISDICTION.

In offence cases Justices at Petty Sessions may substitute distress for committal, and *vice versa* on failure of first warrant.

Power to award hard labour in offence cases.

Imprisonment may commence at expiration of imprisonment under previous conviction.

Any compensation awarded shall be paid to party aggrieved, except in certain cases.

Appropriation of fines and penalties.

Power to award costs in all cases to either party.

Aiders and abettors in

4. In every case of an offence where the order shall only have directed distress in default of payment of a penal sum, and it shall afterwards be found impossible to execute a warrant of distress, it shall be lawful for the Justices at Petty Sessions to order a warrant to issue to commit the person against whom such order shall have been made to gaol for such period as might have been directed by the original order; and in like manner, where the order shall have only directed imprisonment, and it shall be found impossible to execute a warrant of committal, it shall be lawful for the Justices at Petty Sessions to order a warrant to issue to levy by distress of the goods of such person such penal sum as might have been awarded by the original order; and in all such cases a note of such proceeding shall be made by the Justices in the order book:
5. In every case of an offence, where the Act shall authorize the Justices to order imprisonment, they may adjudge by their order that the said imprisonment shall be either with or without hard labour, according as they shall see fit:
6. In every case of an offence, where the person against whom an order to imprison shall be made shall then be in prison undergoing imprisonment upon a conviction for any other offence, it shall be lawful for the Justice issuing the same, if he shall think fit, to order therein that the imprisonment shall commence at the expiration of the imprisonment to which such person shall have been previously sentenced:
7. In every case where any sum shall be awarded under the provisions of any Act as compensation for damage, or as the value of any article, or as the amount of any injury done, such sum shall be paid to the party or public body aggrieved; but where the party aggrieved is unknown, such sum shall be applied in like manner as any penalties awarded to the Crown; and where several persons join in an offence, and are severally punished, each in the amount of the injury done, no more than one of such sums shall be paid to the party aggrieved, and the rest shall be applied as other penalties awarded to the Crown:
8. In every case where the Act under which any penal sum shall be ordered to be paid as a penalty for an offence (and no sum shall be awarded to the complainant as compensation for damage), it shall be lawful for the Justices to award any sum not exceeding one-third of such penal sum to the prosecutor or informer, and the remainder of such sum and all other penal sums shall be awarded to the Crown, any Act or Acts to the contrary notwithstanding:\*
9. In all cases the Justices may order that the defendant shall pay to the complainant, or in case of a dismissal, that the complainant shall pay to the defendant, such sum not exceeding twenty shillings, for costs, as to such Justices shall seem fit, and the same shall be recoverable in the same manner as any penal or other sum adjudged to be paid by the Justices: Provided always, that every person who shall aid, abet, counsel, or procure the commission of any offence which is or shall be punish-

\* This appropriation is overruled by several Acts—"Fishery," "Poaching," "Mutiny," "Militia," &c.



able on summary conviction, shall be liable to be proceeded against and convicted for the same, either together with the principal offender or before or after his conviction, and shall be liable, on conviction, to the same forfeiture and punishment to which such principal offender shall be by law liable (except where the age of such aider or abettor shall exceed fourteen years, in which case he shall be liable to the same forfeiture and punishment to which any principal offender whose age shall exceed fourteen years shall be liable), and may be proceeded against and convicted either in the county where such principal offender may be convicted, or in that in which such offence of aiding, abetting, counselling, or procuring may have been committed.\*

23. In all cases of summary jurisdiction, whenever an order shall be made upon the conviction of any person for an offence, the Justice shall issue the proper warrant for its execution forthwith, when the imprisonment is to take place immediately, or at the time fixed by the order for the imprisonment to take place where it is not to be immediate, or directly upon the non-payment of any penal sum or the non-performance of any condition at the time and in the manner fixed by the order for that purpose, or at furthest upon the next Court day after the expiration of the time so fixed for the imprisonment, payment, performance of a condition, as the case may be, unless the imprisonment or penal sum shall have been remitted by the Crown or other competent authority in the interval; and whenever an order shall be made in any case of a civil nature, and the same shall not be obeyed, the Justice shall issue the proper warrant for its execution at any time after the time fixed for compliance with its directions, where required so to do by the person in whose favour such order shall have been made, or by some person on his behalf, and it shall not be necessary that the Justice by whom any such warrant shall be issued shall be the Justice or one of the Justices by whom the order shall have been made: Provided always, that in every case where the party being entitled to appeal against any such order shall have duly given notice thereof, and entered into a recognizance to prosecute the same in the manner hereinafter provided, it shall not be lawful for any Justice to issue any warrant to execute the said order until such appeal shall have been decided, or until the appellant shall have failed to perform the condition of such recognizance, as the case may be (except where any Act shall expressly authorize or direct the levy of any sum to be made notwithstanding the appeal); and in any case where the person shall be in custody, or shall have been committed to gaol, or any warrant of distress shall have been issued or executed, under any such order, the Justice by whom the warrant shall have been issued, or any other Justice of the same county, shall, upon an application being made to him in that behalf, forthwith order the discharge of such person from custody or from gaol, or that such warrant of distress shall not be executed, or that if executed the distress shall be returned to the owner, as the case may be.

24. In any case of summary jurisdiction, where an order shall be made by the Justices for payment of any penal or other sum exceeding twenty shillings, or for any term of imprisonment exceeding

ADJUDICATION OF CASE.—SUMMARY JURISDICTION.

the commission of offences to be punishable on summary conviction, as principals.

ENFORCEMENT OF ORDERS.—SUMMARY JURISDICTION.

In offence cases, warrant to issue peremptorily

In civil cases, warrants to issue on application of party;

but no execution of order pending an appeal;

except in certain cases:

or if warrant issued, not to be executed; or if executed, party to be discharged or distress to be returned.

\* See title "Abettors,"—Summary Index.

APPEALS.—<sup>a</sup>  
SUMMARY  
JURISDIC-  
TION.

In what cases  
appeals shall  
be permitted.

Appeal only

one month, or for the doing of anything at a greater expense than forty shillings, or for the estreating of any recognizance to a greater amount than twenty shillings (but in no other case,) either party (whether he shall be the complainant or the defendant) in cases of a civil nature, or the party against whom the order shall have been made in other cases, shall be entitled to appeal to the next Quarter Sessions to be held in the same division of the county when the order shall have been made by any Justice or Justices of any Petty Ses-

\* An appeal is given by the Larceny Act, 24 & 25 Vic., c. 96, s. 110; and by the Malicious Injuries Act, 24 & 25 Vic., c. 97, s. 68, where the sum adjudged to be paid shall exceed five pounds, or the imprisonment shall exceed one month, or the conviction shall take place before one Justice only. The following is the section:—

“ In all cases where the sum adjudged to be paid on any summary conviction shall exceed five pounds, or the imprisonment adjudged shall exceed one month, or the conviction shall take place before one Justice only, any person who shall think himself aggrieved by any such conviction may appeal to the next Court of General or Quarter Sessions which shall be holden not less than twelve days after the day of such conviction, for the county or place wherein the cause of complaint shall have arisen; provided that such person shall give to the complainant a notice in writing of such appeal, and of the cause and matter thereof, within three days after such conviction, and seven clear days at the least before such Sessions, and shall also either remain in custody until the Sessions, or shall enter into a recognizance, with two sufficient sureties, before a Justice of the Peace, conditioned personally to appear at the said Sessions and to try such appeal, and to abide the judgment of the Court thereupon, and to pay such costs as shall be by the Court awarded; or if such appeal shall be against any conviction, whereby only a penalty or sum of money shall be adjudged to be paid, shall deposit with the Clerk of the convicting Justice such a sum of money as such Justice shall deem to be sufficient to cover the sum so adjudged to be paid, together with the costs of the conviction and the costs of the appeal; and upon such notice being given, and such recognizance being entered into, or such deposit being made, the Justice before whom such recognizance shall be entered into, or such deposit shall be made, shall liberate such person if in custody; and the Court at such Sessions shall hear and determine the matter of the appeal, and shall make such order therein, with or without costs to either party, as to the Court shall seem meet; and in case of the dismissal of the appeal, or the affirmance of the conviction, shall order and adjudge the offender to be punished according to the conviction, and to pay such costs as shall be awarded, and shall, if necessary, issue process for enforcing such judgment; and in any case where after any such deposit shall have been made as aforesaid the conviction shall be affirmed, the Court may order the sum thereby adjudged to be paid, together with the costs of the conviction and the costs of the appeal, to be paid out of the money deposited, and the residue thereof, if any, to be repaid to the party convicted; and in any case where after any such deposit the conviction shall be quashed, the Court shall order the money deposited to be repaid to the party convicted; and in every case where any conviction shall be quashed on appeal as aforesaid, the Clerk of the Peace or other proper officer shall forthwith endorse on the conviction a memorandum that the same has been quashed; and whenever any copy or certificate of such conviction shall be made, a

sions district (or to the Recorder of any corporate or borough town at his next Sessions when the order shall have been made by any Justice or Justices of such corporate or borough town, (unless when any such Sessions shall commence within seven days from the date of the order, in which case the appeal may be made to the next succeeding Sessions of such division or town); and such appeal shall be subject to the following provisions:

1. The appellant shall serve notice in writing of his intention to appeal upon the Clerk of Petty Sessions, within three days from the date of the order against which the appeal shall be made: APPEALS.—  
SUMMARY  
JURISDICTION.  
—  
to next  
Quarter Ses-  
sions of the  
division.
2. He shall also, within three days after such notice as aforesaid, enter into a recognizance, according to the form (C.), with two solvent sureties, conditioned to prosecute such appeal, and the amount of such recognizance shall be double the amount of the sum and costs ordered to be paid, where payment only is ordered, or of such reasonable amount as the Justice shall see fit, where imprisonment is ordered: Notice to be  
given within  
three days.  
  
Recogni-  
zance to pro-  
secute  
appeal.  
  
Amount of  
recognizance
3. Whenever the appellant shall have given notice and entered into such recognizance, there shall be delivered to him the form of appeal (H.), containing a certificate of the order against which he shall appeal (signed by the Justice who shall have made the same, or by any other Justice of the same Petty Sessions); and it shall also be therein certified by the Clerk of Petty Sessions that the said notice was duly given, and that the said recognizance was duly entered into, if the fact shall be so: Form of  
appeal.
4. In every case where an appeal shall be so made, the Clerk of Petty Sessions shall transmit the recognizance entered into to prosecute such appeal and all other proceedings in such case to the Clerk of the Peace of the county or to the proper officer of the Recorder's Court, at least seven days before the commencement of the Sessions to which the appeal shall be made, or as soon afterwards as may be practicable, in the same manner as is hereinbefore provided for the transmission of informations as to indictable offences: Recogni-  
zance to ap-  
peal to be  
transmitted  
to Clerk of  
Peace.
5. The appellant shall give notice in writing to the opposite party of his intention to prosecute his appeal at least seven clear days before the commencement of the Sessions to which the appeal shall be made: Appellant to  
give notice to  
opposite  
party.
6. Whenever an appeal shall have been so made, and such last-mentioned notice shall have been duly given, it shall be lawful for the said Court of Quarter Sessions (or Recorder, as the case may be) to entertain the same, and to confirm, vary,\* or reverse the order made by the Justices (as so certified in the form of Court of  
Quarter Ses-  
sions (or Re-  
corder) may  
decide ap-  
peal, and give  
costs not ex-  
ceeding 40s.

copy of such memorandum shall be added thereto, and shall be sufficient evidence that the conviction has been quashed in every case where such copy or certificate would be sufficient evidence of such conviction."

\* *Amendment of Orders, &c.*—By the Civil Bill Act, 27 & 28 Vic., c. 99, sec. 49, If objection made on appeal on account of any omission or mistake in the making or drawing up of convictions or orders pronounced by Justices of the Peace, or any variance between the facts stated in conviction or order, and the evidence adduced in support thereof, and it should be shown to the satisfaction of the Court that sufficient grounds

**APPEALS—  
SUMMARY  
JURISDICTION.**

Clerk of Peace or proper officer of Recorder's Court to certify decision;

or certify upon and return recognizance if appeal is not prosecuted.

If order is not varied upon appeal, Justice shall issue warrant for execution of the same.

But where order is varied, warrant to issue for execution of order of Quarter Sessions.

Costs of appeal, now recovered.

Where party has been

appeal), and to award to either party any sum not exceeding forty shillings\* for the costs of such appeal; and whenever the said Court of Appeal shall have decided any such appeal, the Clerk of the Peace or proper officer of the Recorder's Court, as the case may be, shall certify such decision at foot of the form of appeal, and return the same and the said proceedings to the Justices of the Petty Sessions at which the order shall have been made, within seven days after such appeal shall have been decided; and whenever any such appeal shall not have been duly prosecuted, the Clerk of the Peace or proper officer of the Recorder's Court, as the case may be, shall so certify upon such recognizance, and return the same to the Justices of the Petty Sessions from which the same shall have been transmitted (in the same manner and subject to the same provisions as are hereinbefore contained as to the transmission of informations for indictable offences,) within seven days after the termination of the Sessions at which such appeal ought to have been prosecuted, and which certificate shall be free from any charge :

7. And whenever it shall appear from such certificate that such appeal has not been duly prosecuted, or that the original order has been confirmed upon appeal, the Justices who shall have made the original order, or any other Justice of the same Petty Sessions, shall issue the proper warrant for the execution of the same as if no such appeal had been brought; and in every case in which it shall appear from such certificate that the Court of Appeal shall have varied the original order, the said Justices shall forthwith issue the proper warrant for the execution of the order so made by the Court of Appeal, in like manner as they might have issued a warrant for the execution of the original order in case no appeal had been prosecuted; and if upon any such appeal either party shall be ordered to pay costs, it shall be lawful for such Justice to enforce payment of the same, in like manner as any costs awarded by the original order; and in any case where any order by which any person shall be adjudged to be imprisoned shall be confirmed on appeal, such per-

were in proof before the Justice or Justices making such conviction or order to have authorised the drawing up thereof free from the said omission or mistake, or that such variance is in some point not material to the merits of the case, it shall be lawful for the Court to amend such conviction or order on such terms as it shall think fit, and to adjudicate thereupon as if no such omission or mistake or variance had existed.

This is going as far as could reasonably be expected: defects in form and substance may be cured, and amended upon such terms as the Court shall think fit.

The rule in Superior Courts is in general found to be, and has been so expressed by the most eminent Judges of the land, that the order of the Inferior Tribunal will be upheld when the facts and circumstances will at all warrant it. It will be reversed only when it is decidedly bad and cannot at all be sustained.

\* In appeals under the Larceny Act, and Malicious Injuries Act, these Acts provide that the Court "shall make such order therein, with or without costs to either party, as to the Court shall seem meet."

son shall be liable to be imprisoned for the period adjudged by the original order, where he shall not have been apprehended under the original order, or where he shall have been so apprehended and discharged, then for such period as, together with the time during which he shall so have been in custody, shall be equal to the period adjudged by the original order :

Provided always, that whenever the party bound by recognizance to prosecute an appeal against an order to imprison shall have absconded, or when the party bound to prosecute an appeal against an order for payment of any penal or other sum shall have no goods whereon to levy same by distress, it shall be lawful for the Justices at the Petty Sessions where the original order was made, and after like proof of notice to the parties as in estreating other recognizances in summary proceedings, to make an order for estreating the recognizance in any such case to such amount as they shall see fit, and for paying out of such amount such sum as shall have been directed to be paid to any party by such original order, and thereupon to issue a warrant (E a.) for the levy of the same upon the goods of the several persons bound thereby.\*

25. The persons to whom warrants shall be addressed for execution shall be as follows :

1. All warrants in proceedings as to offences punishable either by indictment or upon summary conviction, which shall be issued in any Petty Sessions district, shall be addressed to the Sub-Inspector or Head Constable of Constabulary who shall act for the place where the Petty Sessions for such district shall be held:
2. All warrants in other cases shall be addressed either to the Sub-Inspector or Head Constable of Constabulary in manner aforesaid, or to such other person or persons (not being the complainant or a party interested), as the Justices issuing the same shall see fit †

And it shall not be necessary to address any warrant of committal to the Keeper of the gaol, but upon the delivery of any such warrant by the person charged with its execution to the Keeper of the gaol to which the committal shall be made, such Keeper shall receive and detain the person named therein (or shall detain him if already in his custody) for such period and in such manner as it shall appear from the warrant that the said person is to be imprisoned; and in cases of adjournments or remands, such Keeper shall bring the said person at the time and place fixed by the warrant for that purpose before such Justices as shall be there.

\* This is a consequence which the sureties may not have taken into account. The condition in the recognizance, as given in the form, is merely "to appear and prosecute the appeal;" whereas if after the appeal he abscond, or if he shall have no goods, the recognizance can be estreated. In case of an appeal from a conviction for an offence, if the *Respondent* fail, on being noticed, to attend with his witnesses on the hearing of the appeal, he incurs a penalty of five pounds, for which Constabulary may prosecute.—21 & 22 Vic., c. 100, s. 8.

† The Justices in general address wages warrants, and warrants for debts due "Charitable Loan Fund Societies," to Constabulary. Warrants under Small Debts Act, are addressed to bailiffs, selected by the plaintiffs.

**APPEALS—  
SUMMARY  
JURISDIC-  
TION.**

Imprisoned, he is only to be imprisoned for remainder of period.

In certain case, where party fails to prosecute appeal, Justice may estreat recognizance

**ADDRESSING  
WARRANTS.**

To whom to be addressed in offence cases;

in other cases.

Committals need not be addressed to gaoler.

Gaoler to produce prisoner in cases of adjournments on remands.

**BY WHOM  
WARRANTS  
MAY BE  
EXECUTED.**

Executing  
Constabulary  
warrants in  
the district.

Certifying to  
some other  
district of  
same county.

Certifying  
out of the  
county.

But in case  
of emergency  
warrant may  
be executed  
by any con-  
stable, &c.,  
in the same  
or adjoining  
county.

**BACKING  
WARRANTS.**  
Constabulary  
warrants:

To any Con-  
stabulary  
district in  
Ireland:

26. The execution of warrants so addressed to the Sub-Inspector or Head Constable of Constabulary shall be subject to the following provisions:

1. Whenever the person against whom any warrant so addressed shall have been issued shall be to be found in case of committal, or shall have goods in case of distress, in any place for which such Sub-Inspector or Head Constable shall act, it shall be lawful for the Sub-Inspector or Head Constable who shall act for the time being for such place, or for any Head or other Constable to be appointed by him, to execute the same.
2. Whenever it shall appear that the said person or his goods, as the case may be, are not to be found in any place for which such Sub-Inspector shall act, but that they are to be found elsewhere in the same county, said Sub-Inspector or Head Constable shall certify on the warrant, according to the form (G b.), the place where he believes that the said person or his goods are to be found, and also (having first satisfied himself as to the fact) that he believes the signature to the warrant to be genuine, and shall forthwith transmit the said warrant to the Sub-Inspector or Head Constable who shall act for such last-mentioned place, and the same shall be executed in like manner as any warrant addressed to him in the first instance.
3. Whenever it shall appear that the said person or his goods, as the case may be, are not to be found in the county to which such Sub-Inspector or Head Constable shall belong, but that such person or his goods, as the case may be, are to be found elsewhere out of the said county, the said Sub-Inspector or Head Constable shall, as before, certify on the warrant, according to the form (G b.), and forthwith transmit the same to the Inspector-General of the Constabulary Force, to be backed, as hereinafter mentioned.

Provided always, that in any case which shall appear to the Justice by whom any warrant shall be issued, to be a case of emergency, he may address such warrant to any Constable of the county; and it shall be lawful for such Constable to execute such warrant at any place within the county in which the Justice issuing such warrant shall have jurisdiction, or, in case of fresh pursuit of an offender, at any place in the next adjoining county; but the Constable to whom any such warrant shall be so addressed, shall, if the time will permit, show or deliver the same to the Sub-Inspector or Head Constable under whose command the said Constable shall be, who shall proceed in respect to the same according to the Acts regulating the Constabulary Force.

27. Whenever any warrant addressed to the Sub-Inspector of Constabulary, or to any Head or other Constable, shall be so certified and transmitted to the said Inspector-General, the manner in which it shall be backed for execution elsewhere shall be as follows:

1. Whenever it shall appear that the said person or his goods are to be found in any place in *Ireland* (not being within the Police district of *Dublin* metropolis), it shall be lawful for the said Inspector-General or for either of the Deputy Inspectors-General of Constabulary to endorse the said warrant according to the Form (G c.) and to transmit the same to the Sub-Inspector

who shall act for such place, and the same shall be executed in like manner as any warrant addressed to him in the first instance.

BACKING  
WARRANTS.

2. Whenever it shall appear that the said person or his goods are to be found in the Police district of *Dublin* metropolis, it shall be lawful for the said Inspector-General, or for either of the said Deputy Inspectors-General, to endorse the said warrant according to the Form (G c.) and to transmit the same to the Commissioners of Metropolitan Police, and the same shall be executed in like manner as any warrant addressed to them in the first instance.

To the Police  
district of  
*Dublin*  
Metropolis.

3. Whenever it shall appear that the said person or his goods are to be found in some place in *England* or *Scotland*, or in the Isles of *Man*, *Guernsey*, *Jersey*, *Alderney*, or *Sark*, it shall be lawful for the said Inspector-General, or for either of the said Deputy Inspectors-General, in like manner as before, to endorse the warrant, according to Form (G c.), and it shall thereupon be lawful for any Justice or officer having power to issue any warrant, or process in the nature of a warrant, for the arrest of offenders in any of the said places, upon proof on oath of the handwriting either of the Inspector or Deputy Inspector-General by whom the same shall have been endorsed or of the Justice by whom the warrant shall have been issued to endorse the same, according to the Form (G c.), authorizing its execution within the jurisdiction of the said Justice or officer by the person bringing the same, or by any Constable or other Peace officer of the county or place where it shall be so endorsed.

To *England*,  
&c.

Inspector-  
General, &c.,  
to endorse;

and any Jus-  
tice, &c., may  
back.

And the said provisions shall also apply to cases in which the Sub-Inspector shall only certify that the signature to the warrant is genuine, but in which the place where the said person or his goods are to be found shall appear by other means than the said certificate.

The above  
provisions  
also to apply  
to other  
cases.

28. Whenever a warrant shall be addressed to any other person or persons than the Constabulary, and it shall appear that the person against whom the same shall have been issued or his goods, as the case may be, are not to be found within the county in which the Justice issuing the same shall have jurisdiction, but in some other place in *Ireland*, or in any of the places out of *Ireland* hereinbefore mentioned, it shall be lawful for any Justice or other such officer as aforesaid of such place, upon proof on oath of the handwriting of the Justice who shall have signed the warrant, to endorse the same for execution in such place in like manner as is hereinbefore provided as to any warrant endorsed by the Inspector-General of Constabulary.

Warrants  
addressed to  
other persons  
than the  
Constabulary,

29. Whenever any person against whom any warrant shall be issued by any Justice or other such officer as aforesaid in *England* or *Scotland*, or in the Isles of *Man*, *Guernsey*, *Jersey*, *Alderney*, or *Sark*, for any crime or offence;\* shall reside or be, or be suspected

Backing war-  
rants from  
*England*, &c.,  
into *Ireland*.

\* *Crime* or *Offence*, are generic terms. Disobedience of an order which a Magistrate is authorized to make is in itself an *offence*. As a rule any Magistrate's warrant, authorizing the arrest of the person may be taken to be a warrant for an offence. These are the terms used in the oldest statutes on the subject, authorizing the pursuit and arrest of persons escaping from one island to the others.

**BACKING  
WARRANTS.**

The above provisions to apply also to Judges' warrants.

Warrants so backed, to be valid for execution;

but if the prosecutor or witnesses be on the spot, examinations may be taken.

**EXECUTION  
OF  
WARRANTS.**

When addressed to Constabulary; When addressed to other persons.

Distress may be sold in a certain time.

to reside or be, in any place in *Ireland*, it shall be lawful for the said Inspector-General or for either of the said Deputy Inspectors-General, or for any Justice of the said last-mentioned place to endorse the same in like manner and upon like proof as aforesaid, authorizing the execution of the same within his jurisdiction.

30. The aforesaid provisions as to the endorsement of warrants shall equally apply to any warrants for the arrest of any person charged with any indictable crime or offence for which he is punishable by law, whether the same shall be signed or endorsed or issued by a Justice of the Peace, or by a Judge of Her Majesty's Court of Queen's Bench, or Justices of Oyer and Terminer and General Gaol Delivery, in *England* or *Ireland*, or by the Lord Justice General, Lord Justice Clerk, or any of the Lords Commissioners of Justiciary, or by any Sheriff or Steward Depute or Substitute, in *Scotland*, or by the Chief or Under Secretary to the Lord Lieutenant.

31. Whenever any warrant, addressed either to the Constabulary or to any other person, shall be so endorsed by the said Inspector-General or by either of the said Deputy Inspectors-General, or by any Justice or other such officer as aforesaid, it shall be a sufficient authority to the person bringing such warrant, and also to all Constables or peace officers of the county or place where such warrant shall be so endorsed, to execute the same by arrest, committal, or levy, as the case may be, within the jurisdiction of the said Justice or officer, and in case of a warrant to arrest any person, to convey him when arrested before the Justice or officer by whom the same was issued, or before some other Justice or officer of the same county or place, to be dealt with according to law: Provided always, that if the prosecutor, or any of the witnesses for the prosecution, in cases of indictable offences, shall then be in the county or place where any person shall have been arrested under any warrant so backed as aforesaid, the Constable or other person who shall have arrested such person shall, if so directed by the Justice who shall have endorsed the warrant, bring the person so arrested before him or some other Justice of the same county or place, who may thereupon take the examinations of such prosecutor or witnesses, and proceed in every respect as hereinbefore directed with respect to persons charged before a justice with an indictable crime or offence, alleged to have been committed in any other county or place than that in which such person shall have been arrested.

32. The manner in which distresses and committals under warrants shall be made shall be as follows:

1. Whenever any warrant to levy any penal or other sum by distress shall be addressed to the Constabulary, the sums levied under it shall be accounted for under the provisions of the "Fines Act, *Ireland*, 1851;" but whenever any such warrant shall be addressed to any other person than the Constabulary, such person shall pay over the sum levied under it to the person who shall appear by such warrant to be entitled to the same, or in such other manner, and subject to such account of the same, as the Justices shall direct.

2. In every case where a distress shall be made under any such warrant, it shall be lawful for the person charged with its execution to sell the said distress within such period as shall be



specially fixed by the said warrant, or if no period shall be so fixed, then within the period of three days from the making of the distress, unless the sum for which the warrant was issued, and also the reasonable charges of taking and keeping the said distress, shall be sooner paid; and in every case where he shall sell any such distress, he shall render to the owner the overplus, if any, after retaining the amount of the said sums and charges.\*

EXECUTION  
OF  
WARRANTS.

3. In every case where any person against whom any such warrant shall be issued shall pay or tender to the person having the execution of the same the sum in such warrant mentioned, or shall produce the receipt of the officer of the Court for the same, and shall also pay the amount of the expenses of such distress up to the time of such payment or tender, such person shall refrain from executing the same.
 

On payment of penalty, &c., distress not to be levied.
4. In every case where any Sub-Inspector or member of the Metropolitan Police Force shall be empowered to distrain any goods under such warrant, he may and is hereby authorized to sell or cause the same to be sold by auction by any Head Constable of the said Constabulary Force, or by any member of the said Metropolitan Police Force, as the case may be, without procuring any licence to act as an auctioneer, and may deduct out of the amount of such sale all reasonable costs and charges actually incurred in effecting the same.
 

Distress may be sold by auction without licence.
5. In every case where any person who shall be apprehended under any such warrant shall pay or cause to be paid to the Keeper of the gaol in which he shall be imprisoned the sum in the warrant mentioned, the said Keeper shall receive the same, and shall thereupon discharge such person if he be in his custody for no other matter.
 

If sum paid after committal, prisoner to be discharged.
6. Whenever the warrant shall be to commit any prisoner to gaol, the Head or other Constable, or other person whose duty it shall be to convey such prisoner to gaol, shall deliver over the said warrant and the said prisoner to the Keeper of the gaol, who shall thereupon give to such Head or other Constable or other person a receipt for such prisoner (Form F.), setting forth the state and condition in which he shall have been delivered into the custody of such Keeper.
 

Gaoler to give receipt for prisoners.
7. In any case of summary jurisdiction in which a Justice shall order any person to be committed to gaol for any period, either in default of payment of any sum, or in default of distress, or as a punishment for any offence, such committal shall be to the county gaol, district bridewell, or house of correction of the county in which the party shall be arrested, † unless where such
 

To what prisons offenders shall be committed in summary proceedings.

\* Growing crops, trees, plants, vegetables, &c., not severed from the soil, not liable to be seized under Civil Bill Decree or Magistrates' Warrant, 26 & 27 Vic., c. 62, sec. 2.

† This may be attended with difficulty; the practice is to name in the warrant the gaol of the county in which offender resides and for which the Magistrate acts, and the prescribed form of warrant in the schedule supposes that a particular gaol will be named. And if the arrest take place in a county *not adjoining*, the Gaoler of that county may refuse to take the prisoner, finding a different prison named in it. This may be rectified by the Inspector-General or the Magistrate who backs the warrant.

EXECUTION  
OF  
WARRANTS.

arrest shall be made in any county adjoining to that in which the warrant shall have been issued, in which case the committal shall be to any of the said prisons of such last-mentioned county; and whenever any Justices shall order any person to be committed on account of any adjournment of the hearing, or until the return of a warrant of distress, or for any like temporary purpose, such committal shall be either to the gaol, or house of correction, district bridewell, or to any bridewell or lock-up of the county, built or supported by county presentment, according as shall appear to the Justices most convenient for that purpose.

Return of  
unexecuted  
warrants.

33. Whenever the person to whom any warrant shall be so addressed, transmitted, or endorsed for execution, shall be unable to find the person against whom such warrant shall have been issued, or his goods, as the case may be, or to discover where such person or his goods are to be found, he shall return such warrant to the Justices by whom the same shall have been issued within such time as shall have been fixed by such warrant (or within a reasonable time where no time shall have been so fixed), and together with it a certificate (G a.) of the reasons why the same shall not have been executed; and it shall be lawful for such Justice to examine such person on oath touching the non-execution of such warrant, and to re-issue the said warrant again, or to issue any other warrant for the same purpose from time to time as shall seem expedient.

RECOGNIZANCES.  
Mode of  
binding by  
recognizance

34. Whenever any person shall be bound to appear, or to keep the peace, it shall be done by a separate recognizance (C.); but whenever any person shall be bound to prosecute or to give evidence as a witness, it may be done either by a recognizance at foot of his deposition (A b.) or by a separate recognizance at the discretion of the Justice; and the taking of every recognizance shall be subject to the following provisions:\*

Amount of  
recognizance

1. It shall be in such amount as the Justice shall, in his discretion, think expedient, except in cases of appeal, in which the amount shall be as hereinbefore provided.

To contain  
particular  
description  
of parties  
bound.

2. It shall particularly specify the profession, trade, or occupation of every person entering into the same, together with his Christian and surname, and the name of the parish and town-

\* *The Recognizance.*—To prevent questions being raised, it is proper that the particulars in this section specified shall appear on the face of the recognizance. The question has been raised on appeal, and while some hold that these particulars, being endorsed and sworn to (as directed by 57 Geo. iii. c. 56, s. 2), is a sufficient compliance, and that the endorsement is to be taken and read as part of the recognizance, still the prevailing opinion is the other way. It is, however, to be observed, that sec. 24 (on the subject of *Appeal*) states the recognizance is to be in the form C.; and sec. 34, (on the general question of recognizances) refers to the same form, and directs that the "taking of every recognizance" shall be subject to its containing the particulars there specified. Sec. 36 states that the forms in the schedule shall be valid, &c. Now the form C. in the schedule does not leave a space, nor in any way indicate that the particulars in sec. 34 are to appear on the face of the bond; and every recognizance so taken according to form in schedule, or "to the like effect," shall be of force and effect in binding the lands, &c. See also note, page 167.

land, or town, in which he resides; and if he resides in a town, the name of the street, and the number (if any) of the house in which he resides, and whether he is owner or tenant thereof, or a lodger therein.

RECOGNIZANCES.

3. Every recognizance so taken according to the form in the schedule to this Act, or to the like effect, either at foot of the deposition or by a separate form, shall have the like force and effect in binding the lands, tenements, goods, and chattels of the persons acknowledging the same, and in all other respects, which any recognizance now by law has.

To be in form in schedule.

And whenever the condition of any such recognizance shall be to appear at Assizes or Quarter Sessions, or at any place other than before any Justice or Justices, or to perform the duties of Petty Sessions Clerk, it shall be forwarded to the Clerk of the Crown or Peace as hereinbefore provided, and shall be liable, upon any breach of the condition thereof, to be estreated in the same manner as any forfeited recognizance to appear is now by law liable to be estreated by the Court before which the principal party thereto shall have been bound to appear: But whenever the condition of such recognizance shall be to keep the peace, or to appear before any Justice out of Quarter Sessions, or to perform the duties of a pound keeper, it shall be deposited with the Clerk of Petty Sessions of the district by the Justice by whom it shall have been taken, and upon non-performance of the condition thereof, any Justice who may then be there present may certify on the recognizance the non-performance of the said condition, and it shall thereupon be lawful for the Justices sitting at the Petty Sessions of the district, and in open Court, upon proof of the non-performance of the said condition, to make an order to estreat such recognizance to such amount as they shall see fit, and thereupon to issue a warrant (E a.) to levy such amount by distress and sale of the goods of the parties who shall have acknowledged the same: Provided always, that in every case where any Justices shall order any such recognizance to be estreated, proof shall be first made on oath that notice in writing (stating the general grounds on which it is intended to sustain the application), was left at the usual place of abode of the party, or of each of the parties, if more than one, against whom it is sought to put such recognizance in force, at least seven days before the day on which the application to estreat such recognizance shall be made.\*

Recognizances to appear, &c., at Assizes, &c., to be transmitted to Clerks of Crown, &c., and to be estreated by Court.

Recognizances to appear before Justices, or to keep the peace, &c., to be deposited with Clerk of Petty Sessions;

and may be estreated by Justices;

after proof on oath of notice to parties.

\**Estreating Recognizances.*—On examining this section three distinct steps will be found necessary in order to estreat the recognizances before the Justices; first, the *forfeiture* which must be certified thereon by "any Justice who may then be there present;" next (and it would seem after the forfeiture), a seven-day notice of the application to estreat; and then the Justices in open Court "upon proof of the non-performance of the condition" are to make the *order to estreat*. The certificate and the order (which are distinct) will be found at foot of the form in schedule, and are generally printed on the bond. But what evidence or facts are necessary to be before the Justice in the first instance, to warrant his certifying that the recognizance has been forfeited, the section does not state. It is plain enough, where it is a *failure to appear*, or if the principal party be before him, convicted of a breach of the peace, the Justice on that occasion may certify the forfeiture of the recognizance, and it matters not on what evi-

OFFENCES  
AGAINST  
THIS ACT.

35. Any of the officers or persons hereinafter mentioned who shall commit any of the offences or neglects hereinafter mentioned, and who shall be convicted thereof before any two Justices of the county sitting at Petty Sessions, shall be liable to forfeit for every such offence or neglect the penalties hereinafter mentioned: (that is to say,)

dence he may act, as proof must afterwards be made in open Court before the order to estreat can be made. On the whole it would seem to be an irregular and unauthorized proceeding (although it is sometimes done) for a private party to serve notices to *estreat* a crown bond unless a Justice, acting either on his own knowledge, or on some complaint, information, or other evidence, against the principal party, certifies that the recognizance is forfeited. One Justice may certify, two or more make the order to estreat. A Justice, peace officer, or person aggrieved may proceed on the bond.—(See Form of Notice to Estreat, *Appendix*.)

*What will cause a forfeiture of Recognizance to keep the Peace.*—Actual violence to the person of another, whether it be done by the party himself or by others through his procurement, or by any unlawful assembly in terror of the people, and even by words directly tending to a breach of the peace, as by challenging one to fight, or in his presence threatening to beat him, or the like.—1 *Hawk.*, c. 60, s. 20, 21. But if the party threatened be absent it is otherwise; and yet if the party so bound shall threaten to kill or beat a person who is absent, and after shall lie in wait for him to kill or beat him, this is a forfeiture of the recognizance.—*Dalt.* c. 121, s. 1. However it shall not be forfeited by bare words of heat and choler, as calling a man a knave.—1 *Hawk.*, c. 60, s. 22.

*What for Good Behaviour.*—The rule that whatever will be a cause to bind a man to his good behaviour will forfeit a recognizance for it, is now denied, because the statute in ordering persons of evil fame to be bound in this manner, seems to regard the prevention of that mischief which they may be justly suspected to be likely to do, and in that respect requires them to secure the public from that danger which may be apprehended from their future behaviour, whether any actual crime can be proved upon them or not; and it would be extremely hard in such cases to make persons forfeit their recognizances who yet may be justly compellable to give one, as those who keep suspicious company, or those who spend much money idly without having any visible means of getting it honestly, or those who lie under the general suspicion of being rogues, or the like.—1 *Hawk.* 61, c. 5. But he who is bound to his good behaviour ought to demean himself well in his carriage and in his company, not doing anything which shall be a cause of breach of the peace; or put the people in fear, dread, or trouble; and so shall be intended of all things which concern the peace, but not in misdoing of other things which touch not the peace.—*Dalt.* c. 1, 22, s. 14. However, such a recognizance shall not only be forfeited for such actual breaches of the peace, for which a recognizance for the peace may be forfeited, but also for some others for which such recognizance cannot be forfeited—as for going armed with great numbers to the terror of the people, or speaking words tending to sedition, and the like: and also for all such actual misbehaviours which are intended to be prevented by such a recognizance; but not for barely giving cause of suspicion of what perhaps may never actually happen.—1 *Hawk.*, c. 61, s. 6; *Dalt.*, c. 122, s. 14.

- Any Clerk of Petty Sessions who shall neglect or refuse to enter any summons in the order required under the provisions of this Act shall be liable to a penalty not exceeding 40s. **OFFENCES AGAINST THIS ACT.**
- Any Clerk of Petty Sessions who shall demand or receive any other or different fees, or any greater amount of fees, as to any proceedings in any case, than he can legally demand or receive under this Act, shall be liable to a penalty not exceeding £5. **Entry of summonses. Clerk taking more than legal fees.**
- Any person who, whilst he shall hold the office of Petty Sessions Clerk, shall practise as an attorney or solicitor in any case at such Petty Sessions or at the Quarter Sessions of the division of the county in which such Petty Sessions shall be situated, or who shall act as the clerk of any attorney or solicitor so practising, or as the clerk of a Poor Law Union, or as a collector of any public tax, or as a pound keeper, or as the keeper or partner in keeping any inn or public house, or who shall engage in any other business or occupation which the Justices or the Lord Lieutenant shall have forbidden as inconsistent with his duties as Petty Sessions Clerk, shall be liable to a penalty not exceeding £20. **Clerk engaging in occupation inconsistent with his duties.**
- Any summons-server or other person who shall make any wilful default in serving any summons shall be liable to a penalty not exceeding 40s. **Service of summonses.**
- Any Sub-Inspector, Head or other Constable, or other person who shall wilfully neglect to return any unexecuted warrant at the time required by the Justices, or who shall commit any wilful default in respect to the execution of the same, shall be liable to a penalty not exceeding £5. **Constabulary, &c., not returning warrants or committing any wilful default.**
- Any person in whose possession any books, papers, or other effects belonging to the Justices at Petty Sessions, or relating to such Court, shall be, upon or after the death, resignation, suspension, or dismissal of any Petty Sessions Clerk, and who shall refuse to deliver up the same to the Sub-Inspector or Head Constable, or other person directed by the Justices under the provisions of this Act to demand the same, shall be liable to a penalty not exceeding £10. **Retaining Petty Sessions books, &c.**
- Any person who shall oppose or hinder any search under any warrant issued by the Justices for the discovery of any such books, papers, or other effects, shall be liable to a penalty not exceeding £5. **Hindering search for books, &c.**
- Any person having any other duty to perform under the provisions of this Act, and who shall wilfully neglect to perform the same, shall be liable to a penalty not exceeding £5. **Any other neglect of duty.**
- And it shall be lawful for the said Justices to award the said penalties; and if the same shall be imposed upon any member of the Constabulary Force, the amount shall be deducted from his pay; but if imposed on any other person, then in default of payment thereof forthwith, or at such time as the Justices shall fix, such person may be committed to prison for the like period, in proportion to the amount of the penalty imposed, for which the Justices are authorized to commit any offender in default of distress for any other penalty under the provisions of this Act. **Justices may award the foregoing penalties.**

FORMS OF  
PROCEDURE.

Forms in the Schedule to be deemed valid, and the proper forms in all proceedings; but informally not to vitiate any proceeding.

Form of Order Book may be extended by Lord Lieutenant in Council.

Warrants, &c., need not be sealed.

General terms to be used in the Forms of Procedure.

Description of the property of partners, &c.:

of the property of counties:

of the property in goods provided for the poor;

of the property in materials for roads;

of the property in materials for turnpike roads, &c.;

of the property of Commissioners, &c.

36. In all proceedings under this Act the several forms in the schedule to this Act contained, or forms to the like effect, shall be deemed good, valid, and sufficient in law, and shall be the proper forms to be used, even in cases in which other and different special forms shall be or shall have been provided by the particular Act or Acts under which the information or complaint shall be made; but no departure from any of the said first-mentioned forms, or omission of any of the particulars required thereby, or use of any other words than those indicated in such forms, shall vitiate or make void the proceeding or matter to which the same shall relate, if the form used be otherwise sufficient in substance and effect, and the words used clearly express the intention of the person who shall use the same; and it shall be sufficient in any of the forms provided by this Act to state sums of money either in words or figures, according as the person using the same shall see fit: Provided always, that it shall be lawful for the Lord Lieutenant, from time to time, with the advice and consent of the Privy Council, to extend the said form of Order Book (D.)\* so far as to adapt it to any like proceedings either new or not provided for therein: Provided also, that the sealing of any warrant or other form of procedure under this Act shall not be necessary in addition to the signature of the Justice by whom the same shall be signed.

37. And with a view to simplify forms, the prosecutor or party at whose instance the proceeding shall take place may be termed in such forms the "complainant," whether he shall be an informant or prosecutor or otherwise; and the matter of the proceeding may be termed the "complaint," whether founded on an information or otherwise; and in summary proceedings the decision of the Justices may be termed their "order," whether the same shall be a conviction or otherwise.

38. It shall be sufficient, in any information or complaint, or the proceedings thereon, to describe the property belonging to or in the possession of partners, joint tenants, parceners, or tenants in common, as the property of any one of such persons who shall be named, and of another or others, without naming them, as the case may be; and any work or building made, maintained, or repaired at the expense of any county or place, or any materials for the making, altering, or repairing of the same, as the property of the inhabitants of such county or place respectively; and any goods provided by guardians of the poor or their officers respectively for the use of the poor, as the goods of the guardians of the poor of the Union to which the same belong, without naming any of them; and any materials and tools provided for the repair of highways at the expense of baronies or other districts in which such highways may be situate, as the property of the county surveyor or surveyors respectively, without naming him or them; and any materials or tools provided for making or repairing any turnpike road, and any buildings, gates, lamps, boards, stones, posts, fences, or other things erected or provided for the purpose of any such turnpike road, as the property of the commissioners or trustees of such turnpike road, without naming them; and any property of any persons described in any Act of Parliament, or in any charter or letters of incorporation, as com-

\* See specimen form in schedule hereto.

missioners, directors, trustees, or by any other general designation whatsoever, as the property of such commissioners, directors, trustees, or persons described by such other general designation, without naming them; and whenever it may be necessary to mention any of such persons or parties in any suit, information, or complaint, it shall be sufficient to describe them in manner aforesaid.

39. In cases of summary proceedings, no variance between the information or complaint and the evidence adduced in support thereof, as to the time at which the offence or cause of complaint shall be alleged to have been committed or to have arisen, shall be deemed material, if it be proved that such information or complaint was in fact laid or made within the time limited by law for laying or making the same; and any variance between such information or complaint and the evidence adduced in support thereof, as to the place in which the same shall be alleged to have been committed or to have arisen, shall not be deemed material, provided that the said offence or cause be proved to have been committed or to have arisen within the jurisdiction of the Justice or Justices by whom such information or complaint shall be heard and determined; and no objection shall be taken or allowed in any proceedings to any information, complaint, summons, warrant, or other form of procedure under this Act, for any alleged defect therein in substance or in form, or for any variance between any information, complaint, or summons and the evidence adduced on the part of the complainant or prosecutor at the hearing of the case in summary proceedings, or at the examination of the witnesses by a Justice or Justices in proceedings for indictable offences: Provided always, that if any such variance or defect shall appear to the Justice or Justices at the hearing to be such that the defendant has been thereby deceived or misled, it shall be lawful for such Justice or Justices, upon such terms as he or they shall think fit, to adjourn the hearing of the case to some future day, and in the meantime, in cases of proceedings for offences, to commit the said defendant to gaol, or to discharge him, upon his entering into a recognizance conditioned for his appearance at the time and place to which such hearing shall be so adjourned.

40. No receipt required to be given under the provisions of this Act shall be subject to any stamp duty payable to the Crown.

41. Nothing in this Act shall extend to the Police district of *Dublin* Metropolis, or alter or affect in any manner whatsoever any of the provisions or enactments contained in any Act regulating the powers and duties of Justices of the Peace, or of the Police of the district of *Dublin* metropolis, or be deemed applicable in any way to the same, save so far as relates to the backing or executing of any warrants, or to alter the provisions of any Act or Acts whereby any part of any county is annexed for the purpose of criminal proceedings to any other county, or whereby any offences committed in one county are authorized to be tried in any other county.

42. Nothing in this Act shall extend or be construed to extend to any information or complaint or other proceeding under or by virtue of any of the Acts relating to Her Majesty's revenue of excise or customs, stamps, taxes, or post office, or relating to the preservation of game, except that all proceedings as to the same

FORMS OF PROCEDURE.

No objection to be allowed for any variance between information and evidence as to time or place of committing offence, if information be in time or offence be actually committed within the jurisdiction.

No objection to be allowed for defect of substance or form in warrant, or for any variance between it and evidence, adduced; but if the party charged is deceived by such variation or defect, he may be committed or discharged upon recognizance till adjourned hearing.

MISCELLANEOUS PROVISIONS.

Receipts not to be subject to stamps.

Act not to extend to Police district of *Dublin* metropolis.

Act shall not extend to Revenue, &c., cases.

may be in the forms of procedure required by this Act, or as near thereto as the circumstances of the case will admit.\*

Section 43 repeals certain previous Statutes, &c.

Section 44. interpretation clause.

Title of Act to be "The Petty Sessions (Ireland) Act, 1851."

To extend to *Ireland only*. Schedule to be part of Act.

\* This Act is applicable (by express provision) to the "Poaching Act," 25 & 26 Vic. c. 114. In all proceedings instituted by the Constabulary for offences against the Illicit Distillation Act, 1 & 2 Wm iv., c. 55, the proceedings for recovery of penalties are to be under this Petty Sessions Act. See 20 & 21 Vic., c. 40, s. 6, and title "Excise."

## APPENDIX No. 3.

### SCHEDULE.

[The words in the foot notes in *italics*, or words to the like effect are to be used according to the circumstances of each case.]

\* \* In all forms of Procedure the name and description of each party is to be specified in like manner and with the same particulars as is required by this act (section 35) as to any party bound by a recognizance.

#### FORMS (A.)—PROOFS.

##### (A a.)—*Information.*

— *Complainant.* } Petty Sessions District of —, County of —.  
 — *Defendant.* } The Information of A.B., of M.N., who saith on his (<sup>1</sup>)  
 that (<sup>2</sup>)

Taken before me, this — day of —, in the year eighteen hundred and fifty —, at —, in the said county.

\*

Signed —, Justice of said County.

(<sup>1</sup>) *Oath or Affirmation.*

(<sup>2</sup>) State cause of complaint, with time and place. Adding:—For the arrest of a witness, *And he further saith that X. Y. can give material evidence, but is not likely to attend voluntarily*; or, (and is keeping out of the way of personal service of summons); or, for sureties for the peace, *And he makes this information for the safety of his person and property, and not from malice or revenge against the said C.D.*

\* The informant or witness may be bound to prosecute or give evidence by the following Form of Recognizance at the foot of his information or deposition:—

And the said informant (or deponent) binds himself to appear at —, on the —, to prosecute (or to give evidence) against the said C.D. for the said offence, or otherwise to forfeit to the Crown the sum of —.

Signed —, informant (or deponent).

Taken before me this — day of —, in the year eighteen hundred and fifty —, at —, in the said county.

Signed —, Justice of said county.



(A b.)—*Deposition of a Witness.*

— *Complainant.* } Petty Sessions District of —, County of —. •  
 — *Defendant.* } The deposition of X. Y., of M. N., taken in the presence and  
 hearing of C. D., who stands charged that (1)  
 The said deponent saith on his (2) that (3)

(1) Cause of Complaint, with time and place.

(2) Oath or Affirmation.

(3) Deposition as nearly as possible in the words of the witness, and to be signed by him, if he will.

(A c.)—*Statement of the Accused.*

— *Complainant.* } Petty Sessions District of —, County of —.  
 — *Defendant.* } A charge having been made against C. D. before the under-  
 signed Justice that (1)  
 and the said charge having been read to the said C. D., and the witnesses for the  
 prosecution having been severally examined in his presence, and the said C. D.  
 having been first duly cautioned that he was not obliged to say anything, but that  
 whatever he did say might be given in evidence against him upon his trial, saith  
 as follows:—(2)

Taken before me this — day of —, in the year eighteen hundred and  
 fifty —, at —, in said County.

Signed —, Justice of said County.

(1) Cause of complaint, with time and place.

(2) Statement of prisoner in his very words, or as nearly so as possible, and to be signed by him, if he will.

(A d.)—*Solemn Declaration.*

— *Complainant.* } Petty Sessions District of —, County of —.  
 — *Defendant.* } I, A. B., do solemnly and sincerely declare, that (1)  
 and I make this solemn declaration conscientiously believing the same to be true,  
 and by virtue of the provisions of an Act passed in the sixth year of the reign of  
 His late Majesty King William the Fourth, chapter sixty-two, for the Abolition of  
 unnecessary oaths.

Signed —.

Made and subscribed before me, this — day of —, in the year eighteen  
 hundred and —.

Signed —, Justice of said County.

(1) Matter of declaration.

\* The informant or witness may be bound to prosecute or give evidence by the following form of recognizance at foot of his information or deposition:—

And the said informant (or deponent) binds himself to attend at —, on the —, to prosecute (or to give evidence) against the said C. D. for the said offence, or otherwise to forfeit to the Crown the sum of —.

Signed —, informant or deponent.

Taken before me this — day of —, in the year eighteen hundred and  
 fifty —, at —, in the said County.

Signed —, Justice of said County.

## FORMS (B.)—PROCESS TO ENFORCE APPEARANCE.

(B a.)—*Summons.*

— Complainant. } Petty Sessions District of —, County of —,  
 — Defendant. } Whereas a complaint has been made to me that (1)

This is to command you to appear as a — (2) on the hearing of said complaint at —, on the — day of —, at — o'clock, before such Justices as shall be there.

Signed —, Justice of said County.  
 This — day of —, 185—.

To —, of —.

(1) Cause of complaint, with time and place.

(2) Insert: *defendant* or *witness*.

(B b.)—*Warrant to Arrest.*

— Complainant. } Petty Sessions District of —, County of —.  
 — Defendant. } Whereas a complaint has been made on oath and in writing that (1) and (2)

This is to command you to whom this warrant is addressed to arrest the said —, (2) of —, and to bring him before me, or some other Justice of the County to answer to the said complaint.

Signed —, Justice of said County.  
 This — day of —, 185—.

To —, (4) of —.

(1) Cause of complaint, with time and place.

(2) If the case be so, add, for defendant—*Whereas the said C.D. has neglected to appear in obedience to a summons. For witness—Whereas oath has been made that X.Y. can give material evidence but will not attend voluntarily; or, is purposely keeping out of the way of personal service of a summons. If after indictment—It has been certified to me that* (state as in certificate of Clerk of Crown or Peace).

(3) Person against whom warrant is issued.

(4) ADDRESS.—“*The Sub-Inspector of Constabulary,*” or name of person who is to execute the warrant.

## FORM (C.) RECOGNIZANCE (TO APPEAR, &amp;C.)

— Complainant. } Petty Sessions District of —, County of —.  
 — Defendant. } Whereas (1)

The undersigned principal party to this recognizance hereby binds himself to perform the following obligation, viz., to (2)

And the said principal party, together with the undersigned sureties, hereby severally acknowledge themselves bound to forfeit to the Crown the sums following

ART. (13)

Penal Case

Compensation.

£ s. d.

0 5 0

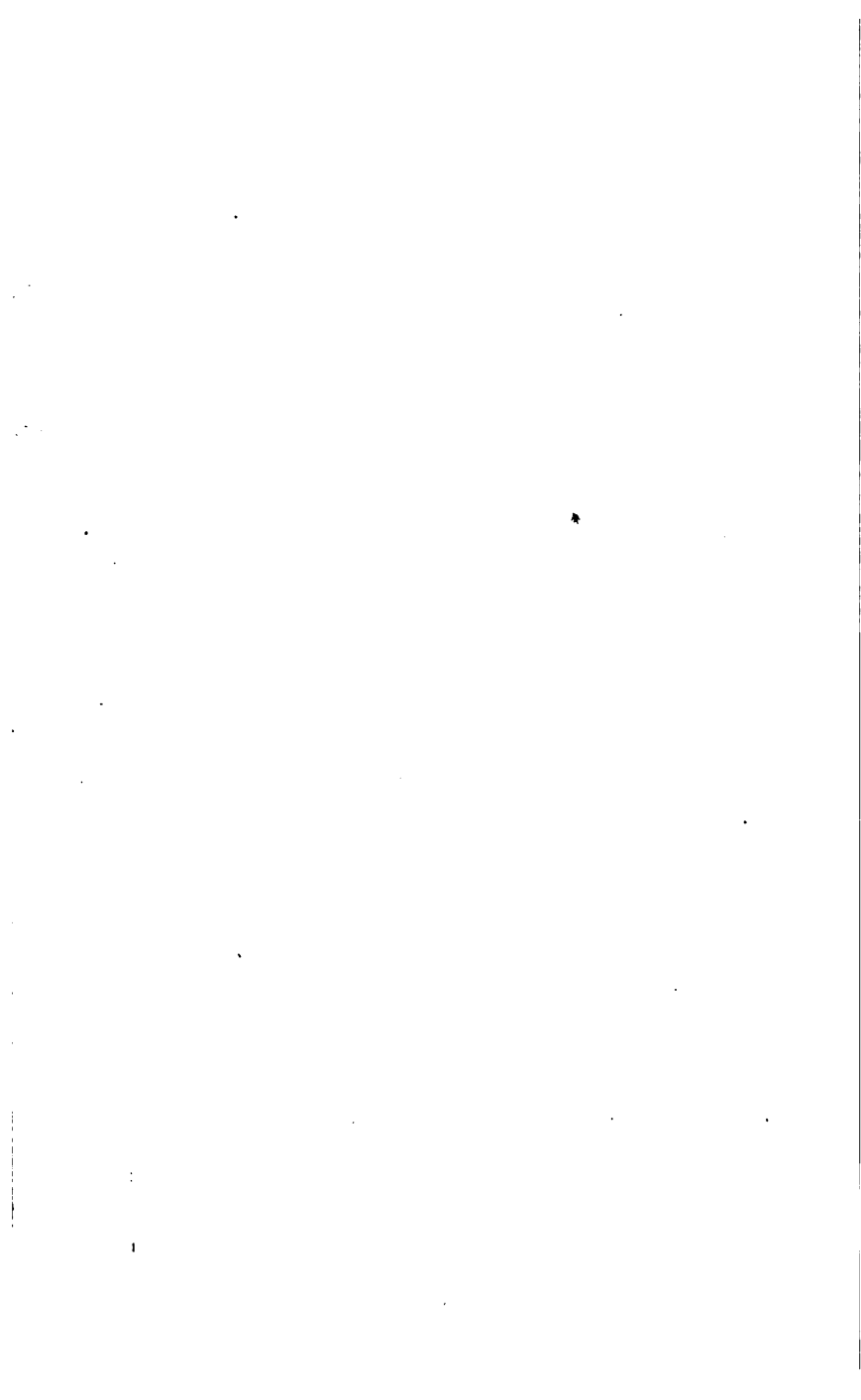
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, c. 98, f



viz:—The said principal party the sum of —, and the said sureties the sum of — each, in case the said principal party fails to perform the above obligation.

Signed, { M.N., — Principal party.  
O.P., — } Sureties.  
Q.R., — }

Taken before me this — day of —, at —.

Signed —, Justice of said County.

I certify that the said M.N. has not performed the above obligation. <sup>(3)</sup>

Signed —, Justice (or Clerk of Peace, &c.)

This — day of —, 185—.

I order that the sum of — be levied off the goods of the said M.N., and the sum of — off the goods of each of the said sureties, O.P. and Q.R. <sup>(4)</sup>

Signed —, Justice of said County.

This — day of —, 185—.

<sup>(1)</sup> In binding a party, &c., state cause of complaint, with time and place. In binding Petty Sessions Clerk or Pound Keeper state fact of his appointment.

<sup>(2)</sup> OBLIGATION.—*To attend (the Court of Assizes, or Quarter Sessions, or Petty Sessions), at —, on the — day of —, at — o'clock, and there— To prefer (or prosecute, or give evidence upon) a bill of indictment against the said C.D. for the said offence; or, To surrender himself to the Keeper of the gaol at F., and plead to any indictment found against him for said offence, and take his trial for the same; or, To prosecute (or answer) to said complaint; or, To prosecute his appeal against the order made on the — day of —, upon the said complaint, and not depart the Court without leave;\** or, *To keep the peace (and be of good behaviour) towards all Her Majesty's subjects, and particularly towards A.B. for the space of —; or, To perform faithfully and diligently the several duties required of him as Petty Sessions' Clerk under the provisions of "The Petty Sessions Act, Ireland, 1851; or, To perform faithfully and diligently the several duties required of him as Pound Keeper under the provisions of "The Summary Jurisdiction (Ireland) Act, 1851.*

<sup>(3)</sup> Forfeiture.

<sup>(4)</sup> Estreat.

#### FORMS (E.)—WARRANTS.

(E a.)—*Warrant of Execution (Summary Jurisdiction).*

— Complainant. } Petty Sessions District of —, County of —.  
— Defendant. } Whereas upon the hearing a complaint that <sup>(1)</sup>  
an order was made on the — day of — by the Justices present against the said —, <sup>(2)</sup> of —, to the following effect, viz. :—<sup>(3)</sup>

And whereas <sup>(4)</sup>

And whereas the said order has not been complied with. This is to command you to whom this warrant is addressed to execute the said order against the said person as follows :—<sup>(5)</sup>

\* And it will be well to see if, under subsequent Acts, any further condition be necessary. Under Larceny and Malicious Injuries Acts add—"personally to appear, &c.;" "and to abide the judgment of the Court thereupon, and to pay such costs as shall be by the Court awarded." Indeed this condition should be added to every such recognizance.—See note on Section 24.—H.H.

And for this the present warrant shall be a sufficient authority to all whom it may concern.

The sum levied to be paid to <sup>(6)</sup>

The warrant to be returned in — days if not executed.

Signed —, Justice of said County.

This — day of —, 185—,

To —, <sup>(7)</sup> of —.

<sup>(1)</sup> Cause of complaint, with time and place. In ejections, *the defendant had refused to give up to the plaintiff possession of —, situate at —, on the termination of his tenancy.*

<sup>(2)</sup> Person against whom order was made.

<sup>(3)</sup> ORDER: Imprisonment in addition or default.—Fine or debt.—*To pay for fine (or debt) the sum of —, and for costs the sum of — (forthwith), or (in — days). And also in addition, or And in default of payment (or distress). Imprisonment.—To be imprisoned for the period of —, with (or without) hard labour.*

Ejection.—*To be ejected from said premises in — days, and pay the sum of — to the complainant for costs.* Dismissal.—*That his complaint be dismissed on the merits (or without prejudice), and that he do pay the sum of — to the defendant for costs.*

<sup>(4)</sup> RECITALS.—After appeal.—*The Court of Appeal decided on the — day of —, that (Order). No distress.—He has (or admits that he has, or it has been returned to a warrant of distress that he has no goods. Distress ruinous.—A distress would be ruinous to him (or to his family).*

<sup>(5)</sup> EXECUTION: Committal in addition or default.—To distrain.—*To levy said sums by distress and sale of his goods. And in addition, or And in default of distress. To commit.—To lodge him in the gaol at F., to be imprisoned there for the period of —, with (or without) hard labour (unless said sums be sooner paid).*

To eject.—*To enter and give possession of said premises to the complainant or his agent in — days.*

<sup>(6)</sup> PAYMENT.—In all warrants to Constabulary insert "*Clerk of Petty Sessions.*" In all other warrants, insert name of person to whom sum was ordered to be paid, if the Justices so think fit.

<sup>(7)</sup> ADDRESS.—"*The Sub-Inspector (or Head Constable) of Constabulary,*" or name of person who is to execute the warrant.

(E b.)—*Warrant to Commit (or Detain) for Trial, &c.*

— *Complainant.* } Petty Sessions District of —, County of —.

— *Defendant.* } Whereas a complaint was made on the — day of —, on the oath of X.Y., that <sup>(1)</sup>

and <sup>(2)</sup>

This is to command you to whom this warrant is addressed to lodge the said <sup>(3)</sup>—, of —, in the gaol at F., there to be imprisoned by the Keeper of said gaol, as follows:—<sup>(4)</sup>

And for this the present warrant shall be a sufficient authority to all whom it may concern.

Signed —, Justice of said County.

This — day of —, 185—.

To <sup>(5)</sup>—, of —.

<sup>(1)</sup> Cause of complaint, with time and place.

<sup>(2)</sup> RECITALS.—If indictment found—*Whereas a bill of indictment has been found against the said C.D. for the said offence.* Adjournments—*Whereas the hearing of*

the said complaint has been adjourned to the — day of —, at —. Remands on arrest—Whereas the said C.D. has been brought before me under a warrant of arrest, and the said complaint is to be heard on the — day of —, at —. Refractory Witness—Whereas X.Y., a material witness, has, without just excuse, refused to make oath as a witness (or to answer certain questions) (or to enter into recognizance to give evidence on the trial of the said C.D.) in that behalf.

(2) Name of person to be committed.

(4) PERIOD OF IMPRISONMENT.—For trial—Until his trial for said offence, and he shall be discharged by due course of law. For witness—Until the trial of the said C.D. unless he shall in the meantime enter into such recognizance as required (or until the — day of —, unless he shall in the meantime consent to answer as required). For adjournments—Until the above time of adjournment (or hearing) when he shall have him at the above place.

(5) ADDRESS.—“The Sub-Constable (or Head Constable) of Constabulary,” or name of person who is to execute the warrant.

(E c.)—Warrant to convey before a Justice of another County.

— Complainant. } Petty Sessions District of —, County of —.  
 — Defendant. } Whereas a complaint was made that (1)

And whereas I have taken the deposition of X.Y. as to the said offence.

And whereas the other witnesses reside in the County of —.

This is to command you to convey the said —, (2) of —, before some Justice of the last-mentioned County, near the above place, and to deliver to him this warrant and the said deposition.

Signed —, Justice of the first-mentioned County,  
 This — day of —, 185—.

To —, (3) of —

(1) Cause of complaint, with time and place.

(2) Name of accused person.

(3) “The Sub-Inspector (or Head Constable) of Constabulary,” or name of person who is to execute the warrant.

(E d.)—Warrant to discharge from Gaol.

— Complainant. } Petty Sessions District of —, County of —.  
 — Defendant. } Whereas a complaint was made that (1)

and whereas the said —, (2) of —,

(3) This is to command you to discharge the said person so committed, unless he shall be in your custody for some other cause.

Signed —, Justice of said County, ↗  
 This — day of —, 185—.

To the Keeper of the Gaol at —. (4)

(1) Cause of complaint, with time and place.

(2) Name of prisoner.

(3) RECITALS.—For accused—Was committed to take his trial for said offence, but has now duly entered into recognizance to appear for that purpose. For witness—Was committed for refusing to enter into recognizance to give evidence on the trial of C.D. for said offence, but has now done so (or and the said C.D. for want of evidence has not been bailed or committed.)

(4) Address.

(E e.)—*Warrant to Search.*

— *Complainant.* } Petty Sessions District of —, County of —.  
 — *Defendant.* } Whereas it appears on the oath of A.B., of M.N., that the following articles of property, viz., <sup>(1)</sup> were stolen, and that there is reason to suspect that the same are concealed in —, at —.

This is, therefore, to authorize and require you to enter in the daytime into the said premises, and to search for said property, and to bring the same and the persons in whose possession the same may be found before me or some other Justice.

Signed —, Justice of said County,  
 This — day of —, 185—.

To —, of —, <sup>(2)</sup> of —.

<sup>(1)</sup> Description of articles stolen.

<sup>(2)</sup> ADDRESS.—“*The Sub-Inspector (or Head Constable) of Constabulary,*” or name of person who is to execute the warrant.

## FORM (F.)—RECEIPT FOR PRISONER.

County of —.

I hereby certify, that I have received from A.B., <sup>(1)</sup> of —, the body of C.D. together with a warrant under the hand of J. S., esq., Justice for the County of —, and that the said prisoner was — <sup>(2)</sup> at the time he was so delivered into my custody.

Signed —, Keeper of the Gaol, at —,  
 This — day of —, 185—.

<sup>(1)</sup> Name, rank, &c.

<sup>(2)</sup> “*Sober,*” or as the case may be.

## FORMS (G.) ENDORSEMENTS ON WARRANTS.

(G a.)—*Return of no Person or Goods.*

I certify that after diligent search (and for the following reasons):—<sup>(1)</sup> against whom the within warrant was issued, cannot be found.

Signed — { To whom this warrant was  
 delivered for execution.

This — day of —, 185—.

<sup>(1)</sup> *The person, or sufficient goods of the person.*

\* (G b.)—*Certificate of no goods or person.*

I — <sup>(1)</sup> that I have reason to believe that the person against whom the within warrant was issued <sup>(2)</sup> at —, in the County of —, and that I believe the signature to the within warrant to be in the handwriting of the said Justice.

Signed — { To whom this warrant was  
 delivered for execution.

To —, of —.

This — day of —, 185—.

<sup>(1)</sup> For Constabulary—*Certify.* For Bailiff—*Make oath.*

<sup>(2)</sup> *Is to be found, or Has goods.*



(G c.)—*Backing by Inspector-General or other Justice.*

It being ———<sup>(1)</sup> to me as above, I hereby endorse the within warrant for execution in said County of ———,<sup>(2)</sup> (or Metropolitan District or other place).

Signed ———, Inspector-General (or Deputy, or Justice).

This ——— day of ———, 185—.

To ———.

<sup>(1)</sup> For Commissioners of Police or Constabulary—*Certified.* For bailiff *Proved on oath.*

<sup>(2)</sup> In backing warrant to arrest, add, if so intended—*And to bring the said person before me or some other Justice of said county.*

## FORM (H.)—APPEAL.

——— *Complainant.* } Petty Sessions District of ———, County of ———.

——— *Defendant.* } I certify, that upon the hearing of a complaint that <sup>(1)</sup>

an order was made on the ——— day of ———, by the Justices present against the said ———,<sup>(2)</sup> of ———, to the following effect, viz:—<sup>(3)</sup>

Signed ———, Justice of the said County,

This ——— day of ———, 185—.

<sup>(1)</sup> Cause of complaint, with time and place.

<sup>(2)</sup> Person against whom order was made.

<sup>(3)</sup> ORDER: Imprisonment in addition or default.—Fine or debt.—*To pay the sum of ——— to the Crown, and the sum of ——— to the complainant, with ——— costs (forthwith, or (in ——— days). And in addition, or And in default of payment (or distress). Imprisonment.—To be imprisoned for the period of ———, with (or without) hard labour.*

*Ejection.—To be ejected from said premises in ——— days, and pay the sum of ——— to the complainant for costs. Dismissal.—That his complaint be dismissed on the merits (or without prejudice), and that he do pay the sum of ——— to the complainant for costs.*

The person against whom said order was made hereby appeals against the same to the next Court of Quarter Sessions (or Recorder's Sessions) to be held at ———.

Signed ———, Appellant.

This ——— day of ———, 185—.

*Certificate by Clerk of Petty Sessions.*

I certify, that notice of said appeal was duly given.

And that the said Appellant has duly entered into a recognizance to prosecute said appeal.

Signed ———, Clerk of above Petty Sessions,

This ——— day of ———, 185—.

*Certificate by Clerk of Peace or Officer of Recorder's Court of Order made on Appeal.*

I certify, that upon the hearing of said appeal on the ——— day of ———, the Court of Quarter Sessions (or Recorder) ordered that (*state order*).

Signed ———, Clerk of the Peace (or Officer of the Recorder's Court),

This ——— day of ———, 185—.

## FORMS (I.)—CERTIFICATES.

(I a.) *Certificate of Order.*

— Complainant. } Petty Sessions District of —, County of —.  
 — Defendant. } I certify, that upon the hearing of a complaint that (1)  
 an order was made on the — day of —, by the Justices present against (2)  
 —, of —, to the following effect, viz :—(3)

Signed —, Justice of said County,  
 This — day of —, 185—.

(1) Cause of complaint, with time and place. In ejectments, *the defendant had refused to give up to the plaintiff possession of —, situate at —, on the termination of his tenancy.*

(2) Person against whom order was made.

(3) ORDER: Imprisonment in addition or default.—*Fine or debt.—To pay for fine (or debt) the sum of —, and for costs the sum of — (forthwith), or in (— days). And in addition, or And in default of payment (or distress). Imprisonment.—To be imprisoned for the period of —, with (or without) hard labour.*

Ejectment.—*To be ejected from said premises in — days, and pay the sum of — to the complainant for costs. Dismissal.—That his complaint be dismissed on the merits (or without prejudice), and that he do pay the sum of — to the defendant for costs.*

(I b.)—*Of Indictment being found.*

County of —.

I hereby certify, that at the (1)  
 held at —, in the said County, on the — day of —, a bill of indictment  
 was found by the Grand Jury against C.D., therein described as C.D., of N., for  
 that on the — day of —, at —, (2) and that the said  
 C.D. has not appeared or pleaded to the said indictment.

Dated this — day of —.

Signed —, Clerk of Crown (or Peace),  
 This — day of —, 185—.

(1) "*Court of Oyer and Terminer, and General Gaol Delivery,*" or *Court of Quarter Sessions.*

(2) Offence as in indictment.

(I c.)—*Of Consent to Bail.*

Petty Sessions District of —, County of —.

Whereas on the — day of —, C.D. was committed to the gaol, at —,  
 charged with (1)

I hereby consent to the said C.D. being bailed by recognizance, himself in the  
 sum of —, and [two] surties in the sum of — each.

Signed —, Justice of said County,  
 This — day of —, 185—.

(1) Offence.

## FORMS.

**FORM of NOTICES to ESTREAT RECOGNIZANCE before JUSTICES in PETTY SESSIONS, under 14 & 15 Vic., c. 93, s. 34. (See notes on sec. 34, of Petty Sessions Act, Appendix).**

Take notice, that the recognizance entered into on the — day of —, 186—, by you, the undernamed persons, conditioned that A. B., the principal party to said recognizance,\* should keep the peace and be of good behaviour towards G. H. and all Her Majesty's subjects for — months from the date aforesaid, having become forfeited, an application will be made to the Justices at the Petty Sessions to be holden at —, † in the County of —, on the — ‡ day of —, to estreat the said recognizance so entered into by you and each of you. And it is intended to sustain such application on the following grounds, viz., that the said A. B., the principal party to said recognizance, failed to perform the conditions thereof, and contrary thereto, did on the — day of —, at [state act complained of, time, and place].

Dated —, Signed — §

To A. B., principal party: C. D. and E. F.,  
sureties to said recognizance.

(Endorse on each notice, the name and full description of person served).

\* As in recognizance.

† Court in which recognizance is deposited.

‡ Seven days at least from day of service.

§ May be signed by aggrieved, his attorney, a constable, or a Justice, whichever seeks to estreat.—See page 315.

**NOTICE of APPEAL. (No. 1.)\***  
*Under Petty Sessions Act.*

—, *Complainant.* } Petty Sessions District of —, County of —.  
—, *Defendant.* } Take notice, that feeling aggrieved by the order of the Justices made in this case, on the — day of —, it is my intention to appeal from same to the next Quarter Sessions, † to be holden at [the division of the County], in said County.

Signed —, Dated —

To the Justices present when said order made;  
and to A. B., Clerk of the above Petty Sessions.

\* The above form will suit in appeals allowed under Petty Sessions Act. Notice must be served on Clerk within three days from day of hearing (two clear days); that is, if case heard on Monday, notice should be served on Thursday. If appellant so desires, the Clerk may prepare and stamp notice as a proceeding in Petty Sessions. The Clerk will do well to endorse on the notice the day and even the hour he receives it. The appeal form should be prepared in due time, and signed by the Justice. The recognizance should be filled up when required, so that, if time for appeal be allowed to pass, neither the Justice nor the officer be blameable, and the Clerk should in no case certify the appeal to be duly entered into unless the fact be so. If defendant serves notice of appeal on the day of hearing, he must enter into his recognizance within three days (two clear days) from that date; but if unprepared, it may not be improper or illegal to permit him to withdraw his first notice, serve a new one on the third day, and thus give additional time for perfecting the recognizance.

Notice of intention to prosecute appeal is to be served at least seven days before sessions.

† Not being held within seven days.

## NOTICE OF APPEAL (No. 1).

*From Convictions under the Larceny and Malicious Injuries Acts, 1861.*

—, Complainant. } Petty Sessions District of —, County of —.  
 —, Defendant. } Take notice, that feeling myself aggrieved by the Order of the Justices (or Justice) made in the above Petty Sessions, on the — day of —, 186—, on the hearing of a complaint that [*state shortly offence*], I intend to appeal from the said order to the next General or Quarter Sessions which shall be holden at [*Division and County*], on the — day of —, 186— [*next after twelve, days from date of conviction*], and the cause and grounds for such appeal are\* [*set out here*].

Signed —. Date —.

To A. B., the complainant above named.

\* In appeals under the Larceny and Malicious Injuries Acts above referred to it is required that notice be given to the opposite party three days after the conviction, and seven days before the sessions; and the section directs that the "cause and matter" of appeal be stated. General terms may be used, as, for instance, "the absence of material witnesses;" "the penalty or punishment being excessive, and not in proportion to offence;" "the order being erroneous in point of law;" "contrary to the weight of evidence;" "want of jurisdiction;" or "exceeding jurisdiction;" and if the fact be so, it may be added that the conviction took place before one Justice only. There is no time limited for entering into recognizance, but defendant may be kept in custody until he does, or lodges the amount, as in the section. The conviction should, with the recognizance, be returned to Quarter Sessions in due course. Notice is to be served on complainant, not on Clerk of Petty Sessions. See Larceny Act, 24 & 25 Vic., c. 96, s. 110; Malicious Injuries Act, 24 & 25 Vic., c. 97, s. 68.

Notice of intention to prosecute the appeal to be served seven days at least before sessions.

(No. 2.)

FORM of NOTICE REQUIRED to be given by CLERK of PETTY SESSIONS (under 21 & 22 Vic., c. 100, sec. 8), to the RESPONDENT, when APPEAL has been LODGED, &c.

A. B., Appellant. } Petty Sessions District of —, County of —.  
 C. D., Respondent. } Take notice, that the appellant has duly entered into a recognizance to prosecute his appeal from the order made on the — day of —, by the Justices presiding in the above Petty Sessions, in which case you were complainant, and the said A. B. defendant; and such appeal will be heard at the Quarter Sessions, to be holden at —, in and for the said County, on the — day of —, and you are hereby required to attend, with the necessary witnesses, on the hearing of such appeal.\*

Signed —,  
 Clerk of the above Petty Sessions.  
 Date —.

To C. D., the respondent.

Stamp, 1s.

\* It now appears to be the prevailing opinion that this notice does not supersede the necessity for serving the ordinary seven days' notice by appellant on respondent.

FORMS of CONVICTION, &c., &c., given in 18 & 19 Vic., c. 126,  
(the Criminal Justice Act).

SCHEDULE.—FORM (A).

*Conviction.*

—, } Be it remembered, that on the — day of —, in the year of our  
to wit. } Lord —, at —, in the said [County], A. B., being charged before us,  
the undersigned, — of Her Majesty's Justices of the Peace for the said [County],  
and consenting to our deciding upon the charge summarily, is convicted before us,  
for that [he the said A. B., &c., stating the offence, and the time and place when and  
where committed]; and we adjudge the said A. B. for his said offence to be im-  
prisoned in the [House of Correction], at —, in the said [County], [and there  
kept to hard labour], for the space of —.

Given under our hands and seals, the day and year first above mentioned, at  
—, in the [County] aforesaid.

J. S. (L. s.)  
H. M. (L. s.)

FORM (B).

*Certificate of Dismissal.*

—, } We, — of Her Majesty's Justices of the Peace for the [County] of  
to wit. } —, certify that on the — day of —, in the year of our Lord  
—, at —, in the said [County], A. B. being charged before us, and consenting  
to our deciding upon the charge summarily, for that [he the said A. B., stating  
the offence charged, and the time and place when and where alleged to be committed],  
we did, having summarily adjudicated thereon, dismiss the said charge.

Given under our hands and seals, this — day of —, at —, in the [County]  
aforesaid.

J. S. (L. s.)  
H. M. (L. s.)

FORM (C).

*Conviction upon a plea of Guilty.*

—, } Be it remembered, that on the — day of —, in the year of our  
to wit. } Lord —, at —, in the said [County] A. B. being charged before us,  
the undersigned, — of Her Majesty's Justices of the Peace for the said [County],  
for that [he the said A. B., &c., stating the offence and the time and place when and  
where committed]; and pleading guilty to such charge, he is thereupon convicted  
before us of the said offence; and we adjudge the said A. B. for his said offence  
to be imprisoned in the [House of Correction] at —, in the said [County], and,  
there kept to hard labour] for the space of —.

Given under our hands and seals, the day and year first above mentioned, at  
—, in the [County] aforesaid.

J. S. (L. s.)  
H. M. (L. s.)

## CONVICTION.

The following general form of conviction is prescribed by the 3 Geo. iii., cap. 23, to be used in cases where no particular form is directed :—\*

See 3 Geo. iv., cap. 23, s. 1.

County of — } Be it remembered that on the — day of —, in the year of  
to wit. } our Lord —, at —, in the County of —, A. B., of —, in  
the County of —, [labourer,] personally came before me, J. P., one [or us, J. P.  
and R. S. two] of her Majesty's Justices of the Peace, for the said County, and  
informed me [or us,] that G. H. of —, in the County of —, on the — day  
of —, at — in the said — did [here set forth the fact for which the informa-  
tion is laid], contrary to the form of the Statute in such case made and provided;  
whereupon the said G. H., after being duly summoned to answer the said charge,  
appeared before me [or us, &c.] on the — day of — at — in the said —  
and having heard the charge contained in the said information, declared he was  
not guilty of the said offence, [or did not appear before, &c., pursuant to the said  
summons, or did neglect and refuse to make any defence against the said charge,  
as the case may happen to be]. Whereupon I, [or we, or, nevertheless, I, or we,]  
the said Justice [or Justices,] did proceed to examine into the truth of the charge  
contained in the said information, and on the — day of — aforesaid, at the  
Parish of — aforesaid, one credible witness, to wit, A. W. of — in the County  
of — upon his oath deposes and saith, [if G. H. be present, say, in the presence  
of the said G. H.] that within — months, [or, as the case may be,] next before  
the said information was made before me, or us, the said Justice [or Justices] by  
the said A. B., to wit, on the — day of — in the Year — the said G. H. at  
—, in the said County of — [here state the evidence, and as nearly as possible in  
the words used by the witness, and if more than one witness be examined, state the  
evidence given by each; or if the defendant confess, instead of stating the evidence, say]  
and the said G. H. acknowledged and voluntarily confessed the same to be true.  
Therefore, it manifestly appearing to me [or us] &c., that he, the said G. H. is  
guilty of the offence charged upon him in the said information, I [or we] &c., do  
hereby convict him of the offence aforesaid, and do declare and adjudge that he  
the said G. H. hath forfeited the sum of —, of lawful money of Great Britain  
and Ireland for the offence aforesaid, to be distributed [or paid, as the case may be,]  
according to the form of the Statute in that case made and provided.

Given under my hand and seal [or our hands and seals] the — day of —,  
in the year of our Lord.

J. P. (Seal.)

R. S. (Seal.)

(Stamp.)

\* While the above form, changing what ought to be changed, can be made to suit any case, it does not seem necessary, judging from the forms given in recent statutes (see those in Criminal Justice Act, &c.), to set out or recite the preliminary proceedings and the evidence on the hearing. It is conceived that the simple form which follows, and that can be easily prepared from the entry in the "Order Book," may be made to answer all purposes.

## CONVICTION (No. 2).

County of — } Petty Sessions District of — County of —  
to wit. } Be it remembered that on the — day of — in the year of  
our Lord —, at —, in the County of —, A. B., of —, is convicted before  
me [or us] E. F., — of her Majesty's Justices of the Peace, for the said County  
[or City, &c.], for that he the said A. B. [specify the offence, and the time and place,  
when and where, and upon whom the same was committed, and on second conviction

*state the first,*] and I (or we), the said E. F., do adjudge the said A. B. for his said offence [*here state fully the order, whether of imprisonment, or of penalty, compensation, and costs, and the imprisonment in default, &c., as fully as is required by Form (H) in Schedule to Petty Sessions Act, or as required by the "Order Book."*]

Given under my (or our) hand and seal, the day and year first above mentioned, at — in the County aforesaid.

(Seal.)

(Stamp.)

The forms in the Schedule to the Petty Sessions Act are proper forms to be used on all occasions, but it gives no form of conviction, merely the "certificate" of the order. It needs only the addition of a few technical words to make it a "conviction." The Petty Sessions Stamp Act has not in the Schedule any stamp to suit a conviction. However, for this purpose the stamp on a "certificate of order," 1s., appears to be the proper one; and the last item in the Schedule would give authority to enforce it.

Summary convictions shall not be quashed for want of form—see Assault Act, 24 & 25 Vic., c. 100, s. 72; Larceny Act, 24 & 25 Vic., c. 96, s. 111; Malicious Injuries Act, 24 & 25 Vic., c. 97, s. 69; Coin Act, 24 & 25 Vic., c. 99, s. 32 (but of these the Larceny and Malicious Injuries Acts only require that convictions under them shall be returned to the Quarter Sessions). In all Acts requiring convictions to be returned, there is a provision that such convictions shall not be quashed for want of form.

In convictions under the Game Laws, for want of the necessary qualification, the conviction ought to set out the amount necessary to qualify in the present currency which would be equal to that specified in the Acts as of the late Irish currency.

Convictions need not be on parchment, unless when returned under *certiorari*.

#### FORMS OF OATHS, &c.\*

*As to truth of Information or Affidavit.*—You shall true answers make to all such questions as shall be demanded of you touching this (information or affidavit). So help you God.

*Oath of a Witness.*—The evidence which you shall give to this Court touching this (if a civil proceeding, *this case*; if a crime or offence, *this complaint*, or *this charge*), shall be the truth, the whole truth, and nothing but the truth. So help you God.

*Quaker or Moravian*, 1 & 2 Vic., c. 77.—I, A. B., having been one of the people called Quakers, (or one of the persuasion of people called Quakers, or of the United Brethren called Moravians, as the case may be), and entertaining con-

\* Where a witness is sworn, it is not sufficient to require of him "to answer truly such questions as shall be put to him, &c."—it should be added, "and also to tell the truth, the whole truth, &c."—for he may truly answer questions, and still keep back material facts and information.

It is held that not merely those who profess Christianity, but all who believe in a God and a future state of rewards and punishments, may be sworn as witnesses; and they are to be sworn in the form that they consider binding on their consciences, and according to the religious belief professed by them. Jews are sworn on the Pentateuch, holding up the right hand and adding so help me Great Jehovah! Mahometans on the Koran, Christians in these islands on the Gospels. The French form is by raising the right hand, and using the same form of words; but they, and all others who profess the Christian religion, most generally, when sworn here, make oath on the Gospels. Quakers and Separatists *affirm*, having conscientious objections to the taking of an oath; and although the forms of their affirmations are prescribed by statute, 3 & 4 Wm. iv., c. 82, s. 1; (Separatist), 1 & 2 Vic., c. 77 (Quaker or Moravian), it would

scientious objections to taking an oath, do solemnly, sincerely, and truly declare and affirm that, &c., [as in previous forms, but omitting the words So help me God].

*Declaration, 24 & 25 Vic., c. 66, s. 1.*—"If any person called as a witness in any Court of Criminal Jurisdiction in England or Ireland, or required or desiring to make an affidavit or deposition in the course of any criminal proceeding, shall refuse or be unwilling, from alleged conscientious motives, to be sworn, it shall be lawful for the Court or Judge, or other presiding officer or person qualified to take affidavits or depositions, upon being satisfied of the sincerity of such objection, to permit such person, instead of being sworn, to make his or her solemn affirmation or declaration, in the words following, viz.:—'I, A. B., do solemnly, sincerely, and truly affirm and declare, that the taking of any oath is, according to my religious belief, unlawful; and I do also solemnly, sincerely, and truly affirm and declare,' &c.; which solemn affirmation and declaration shall be of the same force and effect as if such person had taken an oath in the usual form."

*Interpreter's Oath.*—You shall well and truly interpret and explain to the Court (and Jury), the evidence given in this case (trial or inquiry) according to the best of your skill and understanding. So help you God. [The interpreter is to be first sworn, and he is then to administer the oath to the witness]. And in the jurat add:—Sworn before me, &c., &c., the same having been first read over and explained to him in the — language by C. D., who was first duly sworn to interpret and explain the same.

*Inquest.—Foreman's Oath.*—You shall well and truly try, and true presentment make, of all such matters and things as shall be given you in charge on behalf of our Sovereign Lady the Queen touching the death of A. B., now lying dead, of whose body you shall have the view. You shall present no person for hatred, malice, or ill-will, nor spare any through fear, favour, or affection, but a true verdict give according to the evidence and the best of your skill and knowledge. So help you God.

The same oath which A. B., your foreman on this inquest, hath now taken before you on his part, you and each of you shall well and truly observe and keep on your parts. So help you God.

seem that the form of *declaration* given above may be used now, in *criminal proceedings*, by all who entertain conscientious objections. In testing the competency of a witness, it is not necessary to question him as to his particular opinions, but to inquire generally whether he believes in the existence of a God, the obligations of an oath, and a future state of rewards and punishments.—See also form of declaration (A. d.) in Schedule to Petty Sessions Act, page 363.

The forms of oaths, like other religious ceremonies, have in all ages been various, consisting however for the most part of some bodily action, and of a prescribed form of words. It is commonly thought that oaths are denominated *corporal* oaths from the bodily action which accompanies them of laying the right hand upon a book containing the Four Gospels. This opinion however appears to be a mistake, for the term is borrowed from the ancient usage of touching on these occasions the *corporale* or cloth which covered the consecrated elements. Whatever be the form, the signification is the same. It is "the calling upon God to witness—to take notice of what we say, and it is invoking His vengeance, or renouncing His favour, if what we say be false, or what we promise be not performed."



## FORM OF WARRANT OF AUTHORITY TO CONSTABLES TO ENTER PUBLIC HOUSES.\*

County of — } [We] the undersigned [two] of her Majesty's Justices of the  
to wit. } Peace for the said — County of — do hereby authorize A. B.,  
Constable for the said County, to enter into any house or place kept by any person  
selling, or having a licence to sell, spirits, wine, or beer by retail within said county,  
at any time between the hours of eleven of the clock on Saturday night and two of  
the clock in the afternoon of Sunday, or between the hours of eleven of the clock  
on any other night and seven of the clock in the morning, and to remove from  
and put out of such house or place any person who shall be so found within such  
prohibited hours, in such house or place (not being a lodger or inmate of such house  
or place), and who shall appear to be, or to have recently been drinking, tippling, or  
gaming therein, and for so doing this shall be his sufficient authority within the  
limits of [our] jurisdiction.

Given under [our] hands, &c.

Date —.

(Stamp.)

\* One Justice may sign this warrant. He may, if he think fit, limit it to a particular district. The licensed and prohibited hours are fixed by the 3 & 4 Wm. iv., c. 68, s. 15, and 23 & 24 Vic., c. 107, s. 48.

If the constable be resisted, the Act of Parliament gives him power to apprehend or otherwise deal with the offenders. It need not be given in the warrant. An information is not required to ground this warrant.

FORM OF PRECEPT TO RESTRAIN WASTE UNDER LANDLORD AND TENANT ACT,  
23 & 24 Vic., c. 154.

County of — } To C. D. and E. F. and all persons whom it may concern.  
to wit. } Whereas information on oath has been this day laid before me,  
being one of her Majesty's Justices of the Peace for the County of M., that you,  
C. D. and E. F., being the occupiers of (or acting under the authority of and in  
collusion with one M. N., being the occupier of) a certain dwelling-house (or farm  
of land), situated at N., in the Barony of O., and County of M. aforesaid, and held  
by you as (tenant from year to year, or otherwise as tenant or caretaker, as the case  
may be) to A. B., do intend and are about to commit or suffer (or are in the act of  
committing or suffering) certain unlawful waste and injury to the premises by  
[state the nature of the waste, injury, alteration, or removal which is apprehended  
or actually being done] contrary to the Statute in that case made and provided.

These are therefore to command and firmly enjoin you and each of you, and all  
other persons whomsoever, not to proceed to [state again the waste, &c., apprehended  
or being done] or to continue the same, or otherwise to injure the said premises or  
any part of them, until special leave, licence, and authority in writing for that  
purpose shall be first procured from and given by me the said Justice, or until the  
matter of the said information shall be first inquired into at the Petty Sessions of  
the Peace to be holden at —, on the — day of — next, and this my precept  
lawfully annulled or altered in that behalf (or until the — day of — next,  
naming a particular day, or further order).

And in case you shall disobey this my precept, you and each of you, and all  
persons wilfully aiding, abetting, or assisting you in so doing, will be punished in  
pursuance of the Statute in that case made and provided.

And all Constables of Police and others are hereby required to prevent such  
waste or injury, and to apprehend and bring to justice all persons present, and  
aiding or assisting in such unlawful acts, to be dealt with according to law.

Given under my hand and seal this — day of — in the year 18—.

—, Justice of the Peace for the County of M.

FORM of MAGISTRATES' CERTIFICATE of DESERTION under LANDLORD and  
TENANT ACT, 23 & 24 Vic., cap. 154.

County of ——— } We, A. B. and C. D., two of Her Majesty's Justices of the Peace  
to wit. } for the said County of M., having been called upon by G. H., and  
at his request having together gone to and viewed that part of the lands of L.,  
situate and being in the Parish of H., and Barony of R., and County of M., late  
in the possession of J. K., as tenant thereof, containing ——— acres, ——— roods,  
———, perches, or thereabouts, on the ——— day of ———, between the hours of ten  
o'clock in the forenoon, and four o'clock in the afternoon of the said day, do certify  
that the premises aforesaid then appeared to us to be deserted and abandoned by  
the said J. K., the said lands, or the greater portion of them, being left uncultivated  
or unemployed, contrary to the course of good husbandry, and without sufficient  
distress to be found therein [*or if the case be, the stock and crop thereof having  
been carried off; or in case the premises consist chiefly of a dwelling house say, the  
dwelling house being left unoccupied.*]

Given under our hands and seals this ——— day of ———, in the year 18—,

A. B. (Seal.)  
C. D. (Seal.)

To the Assistant Barrister for the County of M.  
Witness present X. Y.

LICENCE from JUSTICES to DEAL in GAME.

1 & 2 Wm. iv., cap. 82.

At a Special Session of the Justices of the Peace for the County of ———, acting  
for the Petty Sessions District of ———, in the said County, holden at ———, in the  
said District, on the ——— day of ———, in the year of our Lord One Thousand Eight  
Hundred and Sixty ———, we, ——— being ——— Justices acting for the said ———  
assembled at the said Special Sessions, do hereby authorize and empower [*here  
insert the name, description, and place of residence, and if more than one in partner-  
ship, say C. D., of &c., and E. F., of &c., being partners*] being a householder [*or  
householders, or keeper or keepers of a shop or stall, as the case may be*] to buy game  
from any person authorized to sell game, by virtue of an Act passed in the second  
year of the reign of King William the Fourth, intituled "An Act to amend the  
Laws in England relative to Game;" and we do also authorize and empower the  
said [*A. B., or C. D. and E. F. being partners*] to sell at [*his or their*] house [*shop  
or stall*] any game so bought, provided that the said [*A. B., or C. D. and E. F.,  
being partners,*] shall affix to some part of the outside of the front of [*his or their*]  
house [*shop or stall,*] and shall there keep, a board, having thereon, in clear and  
legible characters, his Christian name and surname [*or their Christian names and  
surnames*] together with the following words "Licensed to Deal in Game." This  
licence will expire on ———.

Signed { ———, Justice of the Peace.  
          { ———, Justice of the Peace.

## FORM OF COMMITTAL WARRANT OF A DANGEROUS LUNATIC.

In pursuance of Act 1 Vic., c. 27, and 8 & 9 Victoria, c. 107, clause 10.

County of — } By two or more Justices of the Peace in and for said  
to wit } County —.

To the Governor of the Gaol of —.

Whereas — has sworn informations before us stating facts, from which it appears that — has been discovered and apprehended under circumstances denoting a derangement of mind, and a purpose of committing an indictable crime, that is to say [*the facts from which it appears that the person was discovered and apprehended under circumstances denoting a derangement of mind, &c.*] And whereas we have called to our assistance —, being a legally qualified [*state whether physician, surgeon, or apothecary*]; and on view and examination of the said —, and on the said informations of the said —, we are satisfied that the said — is a dangerous [*lunatic or idiot, as the case may be.*]

These are therefore, in Her Majesty's name, to charge and command you to receive and detain in your custody, in the said Gaol of — the body of the said —, and safely to keep until — shall be removed to the proper Lunatic Asylum, or otherwise discharged by due course of law, and for so doing this shall be your sufficient warrant and authority.

Given under our hands and seals

J. P. (Seal).

J. P. (Seal).

The attention of the Magistrates is particularly requested to the proceedings required under the provisions of the tenth clause of the Act 8 & 9 Vic., c. 107.

## FORM to accompany the COMMITTAL of a DANGEROUS LUNATIC.

| No. | Name. | Age. | Religious Persuasion | Class of life, occupation, or calling, and what means of support. | Probable cause of mental derangement, and any other particulars connected with the previous history of the Lunatic. | Statement of the Medical Practitioner called in by the Committing Magistrate under the Act. |
|-----|-------|------|----------------------|-------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|
|     |       |      |                      |                                                                   |                                                                                                                     |                                                                                             |

Signed —, { *Physician, Surgeon, or Apothecary.*

The above particulars, as far as the facts can be ascertained from the party tendering information or otherwise, have reference to the future medical and moral treatment of the Lunatic.

## CIRCULAR TO MAGISTRATES OF PETTY SESSIONS.

Dublin Castle, 14th August, 1847.

GENTLEMEN,—Representations having been made to the Lord Lieutenant that many persons have been committed to County Gaols as dangerous lunatics, without compliance with those requirements of the law which have been enacted with a view of subjecting every such case to investigation, and thereby preventing the needless imprisonment of any individual, I am directed by His Excellency to

request your particular attention to the statutes 1 Vic., c. 27, and 8 & 9 Vic., c. 107, under which alone Magistrates have any power to deal with cases of this description.

The former of these statutes empowered any two Justices of the Peace for the County, &c., before whom any person might be brought, who had been "discovered and apprehended under circumstances denoting a derangement of mind, and a purpose of committing some crime for which, if committed, such person would be liable to be indicted," to call to their assistance any legally qualified physician, surgeon, or apothecary; and if upon view or examination of the person apprehended, or from other proof, they should be satisfied that such person was a dangerous lunatic, or dangerous idiot, to commit such person, by warrant under their hands and seals, to the gaol of the county, &c.

The statute 8 & 9 Vic., c. 107, provides, that "it shall not be lawful for the Justices to commit such person to gaol, unless information on the oath of one or more credible witness or witnesses shall have been made before the said Justices, *stating facts from which it shall appear* that such person was discovered and apprehended under circumstances denoting a derangement of mind, and a purpose of committing some crime, for which, if committed, such person would be liable to be indicted, and that such person is a dangerous lunatic, or a dangerous idiot; and such Justices shall, if they shall so think fit, bind the person or persons swearing such information, to appear at the next Commission, or Assizes, or General or Quarter Sessions of the Peace, whichever may first occur, *which information shall be returned to the Clerk of the Crown or Peace;*" and the Act authorizes the presiding Judges, Judge of Assize, Assistant Barrister, or Recorder, to examine the case and report thereon to the Lord Lieutenant.

You will observe that, in every case, an information in writing and on oath, taken before the two committing Magistrates, is indispensable, and that such information must be returned to the Clerk of the Crown or Peace. It will be advisable that the certificate of the physician, surgeon, or apothecary, whom the Magistrates are empowered by the first-mentioned Act to consult, should be transmitted to the Governor of the Gaol, with the committal.

I have the honour to be, Gentlemen, your obedient servant,

T. N. REDINGTON.

#### CIRCULAR to MAGISTRATES OF PETTY SESSIONS.

*Dublin Castle, 13th June, 1853.*

GENTLEMEN,—It having been represented to the Lord Lieutenant that a practice still prevails of committing persons to gaol as "dangerous lunatics," without setting forth, in a sufficiently full and satisfactory manner, the facts denoting derangement of mind, and a purpose of committing some indictable offence, under which they have been apprehended, I am directed by his Excellency to call your attention to the enclosed copy of a circular, dated 14th August, 1847, on the subject, and also to the annexed form of a committal warrant, subsequently issued in 1848, in pursuance of the Acts 1 Vic., c. 27, and 8 & 9 Vic., c. 107, sec. 10.

His Excellency, in referring to these documents on the present occasion, is particularly anxious to impress upon you the necessity of inserting in all committals of dangerous lunatics the *dates, facts, and circumstances* which govern each particular case.

I have the honour to be, Gentlemen, your obedient servant,

THOS. A. LARCOM.

FURTHER CIRCULAR TO MAGISTRATES THROUGHOUT IRELAND RESPECTING  
LUNATICS.

Dublin Castle, 10th September, 1866.

GENTLEMEN,—There being reason to apprehend that some laxity has prevailed in cases of committal of persons to Gaols as dangerous lunatics under the Acts 1st and 2nd Vic., c. 27, and 8th & 9th Vic., c. 107; I am directed by the Lord Lieutenant to transmit to you copies of the 10th section of the latter Act, and to request that, when any person is brought before you for committal, you will, before issuing your warrant, carefully ascertain that the informations which are submitted to you show clearly the derangement of mind and the existence of an intention or purpose on the part of the alleged lunatic to commit some crime, for which, if it had been committed, the person would be liable to be indicted.

That great care on these points is requisite will appear from the following extracts from a judgment delivered in the Court of Queen's Bench, by Lord Chief Justice Lefroy, in a case brought before that Court relative to a person alleged to have been wrongly committed to Clonmel Gaol as a dangerous lunatic.\*

"We are clearly of opinion that, taking the provisions of both these Acts together, a *valid* order of committal *cannot be made*, unless there appear upon the face of the *information* upon which that order is founded, facts sufficient to show that the *three things* mentioned in the statutes *concur*. These three things are, first that the person should be *discovered* and *apprehended* under circumstances denoting a derangement of mind; secondly, with a purpose of committing some crime for which, if committed, such person would be liable to be indicted; and thirdly, that such person is a dangerous lunatic. It is not enough that there should appear on the face of the information matters from which, by *possibility*, the case might be one coming within the Acts. The grounds must be shown, *establishing* these several requirements as *facts*."

"The amendment introduced by the latter Act [8 & 9 Vic., c. 107], was introduced purposely in order to protect the subjects of the realm from the danger to which they were exposed under the former statute, which was this, that a person might have been taken up and committed to Gaol or to a lunatic asylum and there perhaps imprisoned for life, without knowing or having an opportunity of knowing the grounds upon which that order of commitment was made."

"The amendment introduced by the latter Act made a proper and rational provision to guard against this, which appears to have been an intolerable grievance, a vast public mischief, most dangerous to the liberty of the Queen's subjects."

The accommodation in the asylums being now, in many districts, sufficient for all the lunatic poor entitled to be received therein, I am to suggest that, except in very urgent cases, application should be made to the resident medical superintendent for the admission of the patient direct to the asylum, and that the practice of committing persons as dangerous lunatics to the Gaols should only be resorted to in extreme cases, which will not admit of delay, such as sudden and unexpected outbreaks of insanity.

Instructions will be issued to the Officers of the Asylums to facilitate in every way the carrying out of this suggestion.

I am, Gentlemen, your obedient servant,

NAAS.

\* [Reg. v. Riall, in the matter of John Fetherstone, 11 Vol. Common Law Reports, p. 279.]

FORM OF AFFIDAVIT, &c., IN CASES OF LUNATICS WHOSE FRIENDS ARE DESIROUS OF PLACING THEM IN THE DISTRICT LUNATIC ASYLUM.

*Affidavit.*

*Riding to Wit.* } of  
 Evangelists, that to the best of knowledge and belief, that has  
 for about been in a state of Insanity and Mental  
 Derangement;\*  
 that is a Native of and has been a

last past, is a pauper, and has no near relative who is able or can be obliged to support in a private Lunatic Establishment. Deponent further Swears, that the said has been an inmate in a public or private institution for the reception of Lunatics and that Deponent is related to the said

in the degree of  
 SWORN before me at  
 this day o

186 .

J.P.

\* Any acts of violence or insanity to be stated.

*Resolution of Board of Governors.*

" Resolved—That we request the Physicians who sign Medical Certificates, for the admission of patients to this Asylum, to fill up with as much care and accuracy as possible, the column stating the probable cause of derangement; and this, we request them to do on various grounds, sanitary and moral included, and that this be printed on the form of admission."

PHYSICIAN'S OR SURGEON'S CERTIFICATE.

I certify, that whom I specially visited on the is now in a state of Insanity and Mental Derangement, and I am of opinion that is a fit subject for, and likely to derive benefit from being placed in the District Lunatic Asylum.

| Species of Insanity. | Probable cause of Derangement. | Prominent Symptoms. | Medical Treatment, if any. | Whether at present afflicted with any other disease, or subject to Epilepsy. |
|----------------------|--------------------------------|---------------------|----------------------------|------------------------------------------------------------------------------|
|                      |                                |                     |                            |                                                                              |

N.B.—It is requested that the Medical Certificate may be fully filled up from *observations alone.*

Given under my hand, this day of

186

*Name,  
 Residence,*

*Extract from Rules of Privy Council.*

"No patient is to be admitted without the sanction of the Board, except by order of the Lord Lieutenant, or in case of urgency, when the Resident Medical Superintendent of the Asylum may admit upon his own authority, stating upon the face of his order the ground upon which he acts."

The Form and Affidavit are to be filled up and transmitted to the Resident Medical Superintendent, previously to the Lunatic being sent to the Institution; and no Lunatic will be received until it shall be notified to some of his friends that there is a vacancy for his reception.

No application will be attended to which does not state the name, residence, and occupation and degree of relationship of the two next male relatives, and the next female relative of the patient (when such exist), according to the following form:—

| Name. | Residence. | Occupation. | Degree of Relationship. |
|-------|------------|-------------|-------------------------|
|       |            |             |                         |

*The following Form must be filled up by the friends of the lunatic.*

| Lunatic's Age. | Religion. | Place of Birth. | Place of Abode before Admission. | Occupation or Trade. | State Degree of Education and If the Patient can speak Irish. | Whether Single, Married, or Widowed, and if a Female, whether she has had Children. | Whether any Relative has ever been Insane. |
|----------------|-----------|-----------------|----------------------------------|----------------------|---------------------------------------------------------------|-------------------------------------------------------------------------------------|--------------------------------------------|
|                |           |                 |                                  |                      |                                                               |                                                                                     |                                            |

The annexed engagement to be signed by a Magistrate, Clergyman, or Gentleman, residing in the neighbourhood of the patient.

I hereby engage that the friends of the within-named patient shall withdraw from the District Lunatic Asylum, on its notified to me that the patient is recovered, or deemed harmless.

Given under my hand at  
this                      day of                      186 .

*Signature,*  
*Residence,*  
*Post Town.*

**FINES.**—CIRCULAR directing how FINES and PENALTIES are to be paid and disposed of.

*Circular to Clerks of Petty Sessions.*

*Chief Secretary's Fines and Penalties Audit Office,  
Dublin Castle, 1st November, 1851.*

In reference to the Fines Act (Ireland), which comes into operation the 1st of November, 1851, Clerks of Petty Sessions are to observe, that on and after that day they will be the chief accountants as to all monies received on foot of fines and penalties which may be imposed subsequent to that date, and as to all proceedings in reference thereto.

All monies levied by the Constabulary, under warrants, are to be paid over without delay to the Clerks, as also all monies received by Gaolers or Bridewell-keepers. The Clerks, on receipt of such monies, are promptly to make all payments thereout which may be authorized by law; and all monies payable to the Crown are to be lodged in bank, as the Clerks will be hereafter directed.

In case of Petty Sessions for boroughs, all money awarded to the treasurer of the borough by the Magistrates, is to be paid over either weekly or at such time as the treasurer of the borough may require.

Forms for the rendering of accounts will be hereafter forwarded, and the Clerks in furnishing their accounts will be required to produce written vouchers for all payments made by them.

In the payment of monies, *portions of fines*, or other penal sums, to parties entitled thereto, *stamped* receipts are not required.

Until the issue of further books for the entry of fines and the accounting therefor, the entries are to be made in the books at present in hand, the Clerk making use of as many lines and as many sheets as may be required for a faithful entry of all that shall have been done in reference to each case.

Clerks are further to observe, that, with reference to all fines, &c., imposed previous to the 1st of November, 1851, the returns thereof are to be furnished to the Constabulary in all respects as heretofore, who will be the proper parties to render account thereof.

In the payments of portions of fines to members of the Constabulary Force, the payments are to be made in precisely the same manner as payments to any other parties.

WM. M. SOMERVILLE.

**GENERAL REGULATIONS** to be observed by CLERKS of PETTY SESSIONS relative to the rendering of accounts of Fines and Penalties, under the Act 14 & 15 Vic. c. 90.

*Fines.*—Circular containing Regulations for Accounting.

*Chief Secretary's Fines and Penalties Audit Office,  
1st May, 1852.*

1. The clerk's accounts of fines, &c., will be comprised in the Form A 1, A 2, and the Summary No. 1.

2. The Form A 1 is to be an account of all fines, or other penal sums, IMPOSED within the Petty Sessions District, during any *specified period*; as also of the proceedings taken, and money received on account thereof, up to some subsequent date, such time subsequent to the expiration of the period as above-mentioned, being allowed for the getting in, and otherwise accounting for, the fines, &c. Thus, if an account of the fines imposed for a *quarter* be required, the Form A 1 will be an account of all the fines imposed within that quarter; as also of all the monies



received, or other proceedings taken on account thereof, up to some subsequent date—say the end of the month immediately following: the latter month being allowed for the money to come in, which may be received by the constabulary, or by gaolers, or bridewell keepers, and also that the cases may be fully accounted for, in which time shall have been given to parties to pay.

3. The clerk will be, from time to time, instructed from this office as to the period for which accounts are required, and the time allowed after the expiration of such period for the getting in, or otherwise accounting for, the fines, &c. The clerk will also, from time to time, be supplied from this office with the necessary forms for the rendering of his accounts.

4. As it may happen that, notwithstanding the time allowed for the accounting for fines, some cases may remain not fully accounted for up to the expiration of such time, and afterwards money may be received, or other proceedings taken in such cases; the Form A 2 is to be an account of any cases which stood over not fully accounted for at the time of closing the last account, and of any money received, or proceedings subsequently taken, on foot thereof.

5. The money received as per the above two accounts, Forms A 1 and A 2, is to be entered in the Summary No. 1, and the application thereof there shown. The accounts are to be made up in a file, the Form No. 1 being placed at top.

6. To illustrate the above regulations by an example:—If the accounts for the quarter ending 31st March be required, and until the 1st May be allowed for the money to come in, or the cases to be otherwise accounted for, the Form A 1 will be an account of all fines, &c., imposed *within* such quarter, and the money received thereout, &c., up to the 1st of May. The Form A 2 will be an account of any cases standing over unaccounted for from the *previous* quarter, and the money received thereout, &c., up to the 1st of May; but no notice whatever is to be taken in either of these forms of the fines imposed in the month of April, or any monies received, or other proceedings taken on foot thereof, all such being matters to be brought into a subsequent account. On the 1st May, in the example above given, the accounts are to be completely closed, the amount received, as per Forms A 1, and A 2, are to be carried into the Summary No. 1, and the application there shown.

7. The clerks will be required to forward, along with their accounts, receipts for all monies paid to parties, as portions of fines or as compensation; also the bank receipts for all lodgments stated by him to have been made in the Summary No. 1.

8. In addition to the rendering of the above accounts, it will be the clerk's duty, at such time as he shall be instructed from this office, to make out, in the Form B, a list of all warrants for the levy of all fines or other penal sums, placed in the hands of the constabulary for execution, within any required period, whether same be warrants to distrain or commit, or in the alternative, and send the Form B to the sub-inspector of the district, who, after having filled up his part of the form, and shown the steps taken in each case, and the amount levied and paid over to the clerk; will forward same to this office.

9. The cost of the money orders required for the remission of money to Dublin, as per instructions from this office, of the 15th November, 1851, is to be deducted from the amount for lodgment; also the cost of the money orders by which money has been transmitted to the clerks by gaolers, &c. In the latter cases, in order that the accounts may be kept clear, the clerk is to enter, as received, the entire amount of the fines, compensation, and costs, in each case, making a memorandum in his accounts that such money was remitted by a money order, and then charge the amount of such order as against the amount for actual lodgment in the Summary No. 1; also, from time to time hereafter, other charges may be necessary to

be made against the sum for lodgment in bank, as to which clerks will be specially instructed from this office.

10. After the receipt of these regulations, in cases where portions of fines are awarded to members of the Constabulary Force as prosecutors, such sums are no longer to be paid to the individual prosecutors, but the gross amount of monies, &c., awarded, is to be paid over at the end of each month to the Sub-Inspector of the district, for the Constabulary Reward Fund, accompanied by a return showing the cases in which monies have been so awarded, the forms of which will be supplied from this office.

11. The particular attention of clerks is desired to be directed to the appropriation of fines, under the Petty Sessions and Fines Acts, 1851, whereby every fine is payable to the Crown, unless the Justices award a portion, not exceeding one-third thereof, to the prosecutor or informer, which in their discretion they may do in all cases, except those where a sum is ordered to such prosecutor or informer as compensation for injury done. It is also to be observed, that in no case can compensation for an injury be awarded unless a fine be also imposed.

NAAS.

#### FINES ACT (IRELAND), 1851.

*Fines.*—Sub-Inspector to compare Account of Fines imposed.

In exercise of the powers vested in the Chief or Under Secretary to the Lord Lieutenant, under the provisions of the above Act, it is hereby directed that, previous to the rendering of all accounts of fines and penalties by Clerks of Petty Sessions, the statement of the fines and other penal sums imposed within any specified period, as contained in the Form A I., shall be compared by the Sub-Inspector of the district with the Order Book, signed by the Justices, and shall be certified by him to correspond therewith, the Sub-Inspector taking especial care to see that all the fines and other penal sums, with the amount of compensation (if any) and costs, contained in the Order Book, whether paid or not, with the full particulars as to the portions thereof awarded to parties, and the names of such, are correctly set out in the Form A I.

The certificate is to be given at the foot of the Form A I.; and in case any account shall be hereafter transmitted to the Fines and Penalties Office, without such certificate, it will be returned to the sender as imperfect. It is to be observed that the Sub-Inspector will not be required to go into the Clerk's account further than to make the comparison and give the certificate, as above mentioned.

The comparison required may be made at any time after the expiration of the period referred to in the Form A I.; and it will be the duty of the Clerk of the Petty Sessions, as soon as possible after the expiration of such period, to communicate with the Sub-Inspector of the district, acquainting him with the time limited for the transmission of the account to the Fines and Penalties Office, and ascertain from him on what day, within such limit, it will be convenient for him to attend for the purpose; and it will also be the clerk's duty to be in readiness at such time with the Order Book and the statement on the Form A I. In the case of an account in arrear, the comparison is to be made as soon as the account shall have been prepared.

New Forms A I., containing a printed form of certificate at foot, will be immediately supplied; but in case any accounts may have been already prepared on the old Forms, and not yet transmitted to the Fines and Penalties Office, the comparison with the Order Book is, in the case of such accounts, to be made in the manner directed, and a certificate in manuscript, given by the Sub-Inspector, at foot thereof.

(Signed),

T. A. LARCOM.

Dublin Castle, 18th day of April, 1855.

## CIRCULAR.

CLERK to make HALF-YEARLY RETURN TO LIEUTENANT OF COUNTY.

*Dublin Castle, 21st February, 1858.*

SIR,—I am directed by the Lord Lieutenant to desire that you will, as soon as possible after the 30th June and 31st December in each year, transmit to the Lieutenant of the County a return for the half-year then ending, in the Form annexed.

I am, sir, your obedient servant,

THOMAS A. LARCOM.

To the Clerks of Petty Sessions.

*County of — Petty Sessions.*

RETURN of Petty Sessions holden during the half-year ending the 30th June, 1858, and of days appointed for Petty Sessions, but on which they were not holden.

| Days. | Names of Magistrate present on each day. | Cause of Petty Session not being holden. |
|-------|------------------------------------------|------------------------------------------|
|-------|------------------------------------------|------------------------------------------|

By the LORDS JUSTICES GENERAL, and GENERAL GOVERNORS of IRELAND.

*Fines.*—Order in Council for Punctual Returns of Fines, &c.

MAJORE BRADY, C.—Pursuant to the powers vested in us, under the Petty Sessions Clerks' Act (Ireland) 1858, it is hereby ordered that, from and after the 1st January next, no Clerk of Petty Sessions will be permitted to continue to act, or hold his post, who, on the expiration of any quarter, shall not have rendered all accounts of fines and penalties due by him up to the expiration of the preceding quarter, and paid over the balances thereon.

THOMAS A. LARCOM.

Given at Her Majesty's Castle of Dublin,  
this 20th day of December, 1861.

## CIRCULAR.

STAMPS ON PROCEEDINGS and DOCUMENTS, &c.

*Dublin Castle, 15th February, 1859.*

GENTLEMEN,—Many applications having been received for advice as to the interpretation of that part of the Petty Sessions Clerks' Act, 1858, which relates to the use of stamps on certain proceedings, the opinion of the Law Officers of the Crown has been taken thereon, and is to the following effect:

1. *Proceedings out of Petty Sessions.*—All the documents or proceedings specified in Schedule C require stamps, whether issued in or out of Petty Sessions.
2. *Summons and Copy.*—The stamp is to be on the original summons, signed by the Magistrate, not on the copy. It will be well that the copy should be marked at top with the word "copy."
3. Where the complaint is against several persons, charged with a joint offence, there should issue one original stamped summons against each party, with a copy. There is, however, nothing illegal if the Magistrates choose to order that all shall be joined in one summons (having a sixpenny stamp), and that the necessary copies shall be made.

4. Where there are several witnesses, the summons to each witness is in its nature several, and there should be for each one original and a copy.

5. The Magistrate, when called on to sign a summons, will first see that the summons is duly stamped; and secondly, he will take care, before issuing the summons, to have the stamp cancelled, as directed by the third Rule.

6. The Clerk is bound to prepare the original summons, and he ought also to prepare the copy.

7. In all cases prosecuted by the Constabulary the summons may be filled up and served by the Constabulary.

8. *Information or Deposition.*—All informations or depositions sworn before a Magistrate must be stamped.

9. Affidavits in bankruptcy and insolvency, or any other affidavits, save those known as informations or depositions, are not liable to Stamp Duty.

10. *Statement of Accused Party.*—No stamp is necessary on a statement made by an accused party.

11. When a suspicious character is arrested, under 50 Geo. III., c. 102, a stamp ought to be affixed to the examination.

12. *Solemn Declaration.*—All solemn declarations made before a Magistrate, no matter what the subject is, except the cases saved in the Schedule, are liable to Stamp Duty.

13. Declarations taken before a Master Extraordinary or Notary Public do not require a stamp under the Petty Sessions Clerks' Act.

14. *Warrant.*—All warrants issued by a Magistrate, whether of committal for trial, for examination, on summary conviction, in default of bail, of dangerous lunatics, or in any other case, must have the uniform 6d. stamp.

15. *Entry of Order.*—A 6d. stamp is to be affixed to every entry of an order in the Order Book.

16. A complaint ought not to be entered for hearing, except at the instance of one of the parties, by whom the 6d. for entry of order should be paid at the time of so entering the case for hearing. If paid by the complainant, and if the case be dismissed, it ought to be retained as against him, whether the case be dismissed with or without costs.

17. If the complainant does not appear there can be no entry, unless the defendant appear and seek to have the case entered for a dismissal, as a preliminary to which he should pay the 6d. fee on entry of the Order of Dismissal.

18. An adjournment, whether on application of parties or by the Court, is an order, and requires a stamp. When an adjournment takes place at the request of a party, such party ought to pay the Stamp Duty of 6d. on the entry of the order.\*

19. Such entries as, "Case withdrawn," "Settled," "No appearance," are not entries of orders, but memoranda, of reasons why no order is made.

20. In directing informations to be taken a Justice acts ministerially, and not judicially; there ought not, therefore, to be any stamp on the entry.

21. The order for discharge of a prisoner amounts to a dismissal of the complaint, and should be so treated in the Order Book.

\* By a subsequent circular of 16th December, 1859, it is stated "That the Law Officers of the Crown are of opinion that the ordinary adjournments of cases from one court-day to another, of which notes or memoranda are made amongst the minutes of the proceedings of the Court, do not require stamps, as they are not orders liable to Stamp Duty, within the meaning of the statutes; but there sometimes arises, in the course of a case, a necessity for a special order, involving an adjournment and something else; and the Law Officers are of opinion that such special orders are liable to Stamp Duty."

22. *Deserters*.—On deserters' returns, under the Mutiny Act, the desposition (1s.), the entry of order (6d.), and the warrant of committal (6d.), ought all to be stamped, and thus the 2s. fee, mentioned in the Act, will be exhausted.

23. If a person be arrested on suspicion of being a deserter, but from defect of evidence be not committed, no stamp is required on his discharge.

24. *Attestation of Recruits*.—The attestation of a recruit is liable to Stamp Duty.

25. *Loan Funds*.—The provisions in the Loan Fund Act, 6 & 7 Vic., c. 91, as to the cost of forms of summons, warrants, &c., is virtually repealed by the 21 & 22 Vic., c. 100, s. 14; and such documents must have a stamp affixed to each.

26. *Constabulary*.—The Constabulary should supply all the stamps to be used in cases prosecuted by them, whether for the summons, &c., issued, or for the entries in the Order Book. On each stamped form used in such cases, one of the Justices should endorse the words "Constabulary Prosecution."

I have the honour to be, Gentlemen,

Your obedient servant,

To the Magistrates attending Petty Sessions.

NAAS.

#### STAMPS.—REVENUE CASES NOT LIABLE TO STAMPS.

*Dublin Castle, 7th March, 1859.*

GENTLEMEN,—Referring to the circular addressed to you on the 15th ultimo, I am directed by the Lord Lieutenant to acquaint you that the question whether documents used in proceedings at Petty Sessions, at the instance of the Inland Revenue Department, are liable to the stamp duty imposed by the 21 & 22 Vic., c. 100, having been submitted to the Law Officers of the Crown, they have given the following opinion thereon:—

"We think that the documents used at Petty Sessions, in proceedings before Magistrates at the prosecution of the Inland Revenue Department, are *not* liable to the stamp duty imposed by the 21 & 22 Vic., c. 100, s. 14.

"The Petty Sessions Act, 14 & 15 Vic., c. 93, (imposing fees on forms, &c.,) exempted, by the 42nd section, informations and other proceedings relating to Her Majesty's Revenue, &c.; and this Act is incorporated with the late Act, 21 & 22 Vic., c. 100, and therefore the exemption is continued, unless expressly taken away.

"One of the main objects of the late Act was to pay clerks by salaries from a fund to be derived from stamps and fines, &c.; but we think that the 14th section and schedule C only imposed stamps on such forms as paid fees under the former Act, and that revenue cases are not within the purview of either Act.

"An apparent difficulty arises from the 25th section, providing that when a case is prosecuted by the Constabulary, or by any public officer on behalf of the Crown, he may have the stamps remitted by the Registrar; but there are other public prosecutions which would satisfy the words of the Act, and a giving of new stamps by the Registrar to the Revenue officers, in lieu of stamps used at Sessions, would be of no use to parties not liable to stamps in the first instance.

"We think that the exemption conferred on the revenue by the first Act has not been taken away by express words, or even by necessary implication (if that were sufficient,) in the second, and that to impose a tax or take away a crown exemption, would require stronger words than are contained in the late Act."<sup>\*</sup>

I am, Gentlemen, your obedient servant,

THOS. A. LARCOM.

\* Then it would seem that the Clerk may accept of the fees payable in Revenue cases, and provided for under previous Acts, as the Acts above referred to do not in any way affect the question.

**CIRCULAR to MAGISTRATES.**—Paymasters' Accounts, Pay Lists, &c., need not be Stamped.

*Stamps.*—No Fee beyond Stamp on Attestation of Recruits.

*Dublin Castle, 21st April, 1859.*

SIR,—Several cases having occurred in which a fee of one shilling has been demanded by Magistrates for administering the oath required by the Annual Mutiny Act to be administered to a recruit, in addition to the one shilling paid for the stamps required by "The Petty Sessions Clerks' Act (Ireland) 1858," to be placed on the declaration, I am directed by the Lord Lieutenant to inform you, that by the 54th section of the Mutiny Act for the present year (22 Victoria, cap. 4), it is enacted that "the fee for administering the declaration and oath shall be one shilling and no more." The Magistrate, therefore, is not entitled to receive any fee in addition to the one shilling represented by the stamps.

I am further to inform you that by the 100th section of the same Act, it is enacted, that, "all muster rolls and accounts, and pay and pension lists, which are required to be verified by declaration, shall be so verified and attested free of stamp duty, and without fee or reward paid for such declaration or attestation."

I am, Sir, your obedient servant,

THOMAS A. LARCOM.

**CIRCULARS.**

*Stamps.*—Pensioners' Declarations taken in Court need not be Stamped.

*Dublin Castle, 9th June, 1859.*

GENTLEMEN,—Referring to the 12th paragraph of the "circular," dated 15th February, 1859, relating to stamp duties on declarations, I am directed to state, for your information and guidance, that the Law Officers of the Crown are of opinion that the provisions of 7 Geo. 4, cap. 16, sec. 39, exempting affidavits (now by 5 & 6 Wm. 4, cap. 62, declarations,) from stamp duty, is not repealed in the case of pensioners making the declaration before a Magistrate (not in Petty Sessions,) and that all difficulty will be removed by the pensioners going before a Magistrate (out of Sessions) instead of appearing at the Petty Sessions Court.\*

I am, Gentlemen, your obedient servant,

THOS. A. LARCOM.

To the Magistrates attending Petty Sessions.

*Stamps.*—Committal of Prisoners are to be Stamped.

*Dublin Castle, 30th January, 1860.*

GENTLEMEN,—It having been represented to the Lord Lieutenant that in different parts of the country, prisoners have been committed to gaols by warrants of committal not bearing the stamp required by 21 & 22 Vic., c. 100, his Excellency desires to call the attention of the Magistrates to the irregularity of this practice, and trusts that it will be discontinued.

I am, Gentlemen, your obedient servant,

THOS. A. LARCOM.

\* It would seem that leaving the bench and going into an adjoining room would be sufficient.

QUESTION submitted by MAGISTRATES at Limerick, on 18th February, 1859.

*Stamps.*—Clerk may demand Payment for Warrant in advance.

In the case of a summons for assault, where the plaintiff pays for the summons and entry, and on the hearing the defendant is freed and the amount awarded to the Crown, complainant then refuses to pay for the warrant, how is the Clerk to act, or is the fine to be allowed to remain outstanding?

*Dublin Castle, 24th February, 1859.*

SIR,—I am directed by the Lord Lieutenant to acknowledge the receipt of your letter of the 18th inst., relative to payment for stamp on a warrant to enforce a fine; and I am to acquaint you that the subject having been submitted to the Law Adviser, he states that before the complaint is entered for hearing by complainant, together with the 6d. for entry of order, 6d. for the warrant should be paid; the latter may be returned if the case is dismissed.

I am, Sir, your obedient servant,

THOS. A. LARCOM.

To the Mayor of Limerick.

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CIRCULAR to CLERKS of PETTY SESSIONS.

*Levy Warrants.*—Clerks to notify to Constable if amount paid after Warrant issued.

*Dublin Castle, 10th May, 1852.*

Under the provisions of the Act 14 & 15 Vic., c. 93, sect. 5, par. 7, it is ordered by the Lord Lieutenant, that the following regulation be observed by all Clerks of Petty Sessions throughout Ireland, viz. :—

In all cases where a warrant shall have been issued for the levy, *by distress alone*, of any sum, whether of a penal or civil nature, and after the issue of such warrant, the amount thereof shall have been tendered to the Clerk, who shall have received the same, and given his receipt therefor, it shall be the duty of the Clerk, promptly, *in writing under his hand*, to notify the fact of such payment to the officer of Constabulary, to whom the warrant was directed, and also to the officer in charge of the nearest Constabulary station.

JOHN WYNNE.

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CIRCULAR to the CLERKS of PETTY SESSIONS in IRELAND.

*Clerks.*—Not to interfere at elections.

*Dublin Castle, 30th June, 1852.*

The attention of the Lord Lieutenant having been called to the circumstance that possibly several of the persons holding the situation of Petty Sessions' Clerk may be induced to engage themselves in various capacities for candidates at the coming elections, and his Excellency being of opinion that any such proceedings would interfere with the proper discharge of the duties which belong to their office, I think it right to call your attention to the provisions of the Petty Sessions' Act, 14 & 15 Vic., c. 93, sec. 4, and to apprise you that it is His Excellency's positive injunction that you shall not in anywise interfere on behalf of any candidate at the coming elections.

JOHN WYNNE.

CIRCULAR addressed by LORD NAAS, CHIEF SECRETARY to the LIEUTENANTS OF COUNTIES IN IRELAND.

*Magistrates.*—Members of the same family should not act in conjunction.

*Dublin Castle, 28th October, 1852.*

I am directed by His Excellency the Lord Lieutenant to inform you that representations have been made to him, that Magistrates nearly related have been in the habit of presiding and acting together at Petty Sessions. The objection to this practice is distinctly intimated by several of the printed questions which Magistrates are required to answer previous to their appointment, and its tendency to prejudice the administration of justice is so obvious, that His Excellency trusts that a mere expression of his disapproval will be sufficient to prevent its continuance.

I am also directed by His Excellency to send you a copy of a Circular Letter which has been brought under his consideration by the Lord Chancellor, and which was addressed by order of Lord Normanby to the Lieutenants of counties preparatory to a revision of the Magistracy of Ireland. This communication was the result of a conference with the then Lord Chancellor, Lord Plunkett, as to the general principles by which that revision was to be guided. His Excellency entirely adopts those principles, and desires me to direct your attention to the objections that exist to the issuing of Commissioners to members of the same family, which, though in terms confined to cases where they reside together, is obviously directed against their acting in conjunction.

NAAS.

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#### DEPOSITIONS.

To be taken from *viva voce* examination and in presence of accused.

*Dublin Castle, 24th August, 1854.*

GENTLEMEN,—I am commanded by the Lord Lieutenant to call your particular attention to the provisions contained in the Petty Sessions (Ireland) Act, 1851, 14th and 15th Vic., c. 93, with respect to taking informations against parties accused of indictable offences. His Excellency desires to impress on you the necessity of a strict observance of the provisions of that statute, which requires that in every case where a person shall appear or be brought before any Justice, charged with any indictable crime or offence, the Justice before committing the person so accused, or accepting bail for his appearance, shall take the deposition on oath, and in writing, of the witness or witnesses, according to the Form A. B., in the schedule to the said Act annexed, such deposition to be taken on a *viva voce* examination of the informants, in the presence and hearing of the accused person, who may put questions to the witness if he think proper, the answers to such questions to be also taken down, and to form a portion of the deposition. When the deposition, including the answers to the questions put by the accused party is completed, it is to be read over to the witness, and signed by him, and then signed by the presiding Justices or one of them.

Formerly it was the habit to take the deposition of the witness in the first instance, and then to read it over in the presence of the accused; but this practice is an irregular one, and should not be persevered in, unless the accused expresses himself satisfied with it, and states that he does not wish to put any question to the party to be examined; and even in such a case, the more correct practice will be to have the deposition taken down by the Clerk from the *viva voce* examination of the witness in the presence of the accused, as already stated.



It is also to be observed, that the statute referred to has made provision that a deposition sworn by a person who may have died, may be read as evidence on the trial. But as this most salutary provision can be available only on proof of the death of the witness, and on proof that such deposition was taken in the presence or hearing of the person accused, and that he, or his Counsel or Attorney, had an opportunity of cross-examining such witness, due care should be taken in every case, that the requirements of the statute in this respect have been fulfilled. Great care is also necessary in reference to statement made by the accused party: these should not be received until after such a caution as the statute requires, and should then be taken in the manner prescribed, and be signed by the accused, or with his mark, and duly witnessed and attested.

I am, Gentlemen, your obedient servant,

THOMAS A. LARCOM.

The Magistrates at Petty Sessions.

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CIRCULAR.

*Publicans' Certificates to be signed in Petty Sessions only.*

*Dublin Castle, 27th December, 1856.*

GENTLEMEN,—It having been represented to Government that renewals of spirit licences have been obtained on certificates signed by Magistrates when not presiding at Petty Sessions, I am in consequence directed by the Lords Justices to call your attention to the 11th section of the Act 17 & 18 Vic., cap. 89, which declares that licences of the above description shall only be granted to persons applying for the same, on the production "of a certificate signed by two or more Justices of the Peace, presiding at the Petty Sessions of the district in which such person resides."

And their Excellencies desire me to request that in all future cases of granting certificates of the description in question, a strict adherence may be observed to the provisions of the foregoing enactment.

I am, Gentlemen, your obedient servant,

THOMAS A. LARCOM.

To Magistrates at Petty Sessions.

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CIRCULAR.

*Small Debts Act—Opinion on Clauses.*

*Dublin Castle, 12th August, 1859.*

GENTLEMEN,—The Law Officers of the Crown having had under their consideration various inquiries made by Magistrates as to the construction and working of the Act 22 Vic., c. 14, for the "abolition of Manor Courts, and the better recovery of Small Debts in Ireland," I am directed by the Lord Lieutenant to communicate, for your guidance, their opinion upon the several matters submitted to them, in reference to that Act.

*Jurisdictions.*—The act applies to *debts* in the usual sense of that term; no demand for anything in the nature of damages, as breach of warranty, false representation or deceit, falls within it; cases between master and apprentice are not within the Act. The original debt must have been contracted within twelve months. The amount recovered must be under £2; but although the original debt exceeded £2, if it has been reduced by payments, and the balance sought to be

recovered is under £2, the case is within the Act; but if the debt were originally contracted more than twelve months ago, a subsequent reduction of the debt by payments made within twelve months, will not bring the case within the Act.

*Hearing.*—The plaintiff may move his own process. The Magistrates may receive evidence of a set-off. No notice of set-off is absolutely necessary, but as a matter of practice the Magistrates ought to require a notice in order to prevent surprise.

*Witnesses.*—The Magistrates may enforce the attendance of witnesses, as pointed out by the 14 & 15 Vic. c. 98, s. 13.

*Service of Process.*—The process should be served by a Process server, authorized by the Justices at Petty Sessions. The Justices at Petty Sessions may appoint for that purpose such person as they think fit; but they may appoint the same person as the Justices at the Quarter Sessions have appointed.

*Clerk of Petty Sessions.*—It is the duty of the Clerk of Petty Sessions to fill up the processes. He should provide the printed forms in the Schedule to the Act, and fill them up when required, without charge. He should deliver the certificate of appeal to the appellant, to be entered with the Clerk of the Peace. He should retain the monies lodged with him on appeal to abide the result. The Clerk must account for all fees received by him. No separate book is necessary for orders under this Act; but the Justices may adopt a separate book if they find it convenient so to do.

*Decrees.*—No decree can be issued against the person. Only 5s. costs can be awarded in any case. Decrees may be directed for execution either to the Sub-Inspector, or head constable, or such other person, not being the person interested, as the Justices may direct; but the Law Officers advise the Justices not to employ the Constabulary, but to leave the party interested to have the decree executed at his peril.

There is no proviso as to the time during which the decree is to remain in force; but, if the analogy of the Civil Bill Acts be followed, it will remain in force for one year. There is no power to renew it.

*Appeal.*—The defendant is not entitled to any other form than the certificate of appeal given in the schedule.

*Stamps.*—The stamps to be used may be either impressed or adhesive. The decree is chargeable with a 6d. stamp as a warrant.

There is an inconsistency in the Act in reference to the stamp on the certificate of appeal, but the Law Officers are of opinion that only a 6d. stamp is chargeable on a certificate of appeal, and no fee on its entry.\*

There is a stamp of 6d. on the entry of every process, and 6d. on the entry of every order.

I am, Gentlemen, your obedient servant,

THOMAS A. LARCOM.

To Magistrates at Petty Sessions.

#### CIRCULAR.

*Small Debts Act.*—Further Opinion.

Dublin Castle, 17th November, 1859.

GENTLEMEN,—Referring to the circular addressed to you on the 12th August last, on the subject of the Act 22 Vic., c. 14, I am directed by the Lord Lieutenant to inform you that, doubts have arisen with respect to the construction of

\* This was a misapprehension, and is corrected in the next circular, 17th Nov., 1859.

the 6th and 7th sections of the Act, the subject has been considered by the Law Officers of the Crown, and that they have come to the conclusion that, on the true interpretation of the Act, two distinct classes of stamp duties have been imposed on proceedings taken under it, viz., stamp duties properly so called, payable to Her Majesty under sec. 6, and fees denoted by stamps, impressed or adhesive, under sec. 7; thus, for instance, the certificate of appeal is subject to a stamp duty of 1s. under sec. 6, and a fee of 6d., denoted by an impressed or adhesive stamp, under sec. 7.

The opinion in regard to stamps, conveyed in the last paragraph but one of the above-mentioned circular, is now considered by the Law Officers to be erroneous, and is superseded by that herein expressed.

I am, Gentlemen, your obedient servant,

THOS. A. LARCOM.

To Magistrates at Petty Sessions.

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CIRCULARS TO CLERKS OF PETTY SESSIONS.

*Copies of Depositions* to be sent to Sessional Crown Prosecutors.

*Dublin Castle, 11th April, 1860.*

SIR,—The Lord Lieutenant, deeming it necessary for the ends of justice that the Sessional Crown Prosecutors should be supplied as early as possible with copies of the informations in all cases to be prosecuted by them at Quarter Sessions, I am directed to convey to you his Excellency's desire, that you will, in all criminal cases returned for trial at Quarter Sessions, transmit as early as possible to the Sessional Crown Prosecutor for the county, stamped copies of the informations; and that you will, after each Quarter Sessions, forward to him an account of the copies so furnished, which account, being examined and found correct, will be forwarded by him to the Crown Solicitor for the circuit or district for payment at the rate of sixpence for each copy.

I am, Sir, your obedient servant,

THOS. A. LARCOM.

---

CIRCULAR TO CLERKS OF PETTY SESSIONS.

*Committals* in Summary Convictions, Clerk to state therein the Statute.

*Dublin Castle, 31st August, 1860.*

SIR,—I am directed by the Lord Lieutenant to request that, for the future, in all cases of summary conviction, where any person has been committed to gaol, you will state in the committal the Statute under which the prisoner was convicted.

I am, Sir, your obedient servant,

THOS. A. LARCOM.

---

CIRCULAR.

*Order Book.*—One of the Justices to sign each Order.

*Dublin Castle, 31st October, 1860.*

GENTLEMEN,—Certain Magistrates having applied for the opinion of the Law Adviser, whether it is sufficient that the signature of the Justices presiding at Petty Sessions be affixed to the Order Book once on each day, that is to say, at the end of the cases entered in the Book on that day; I am directed by the Lord

Lieutenant to acquaint you, that the Law Adviser is of opinion that each Order should be signed in the Order Book by a Justice signing his name opposite to it, or immediately after it.

I am, Gentlemen, your obedient servant,

EDWARD CARDWELL.

The Magistrates at Petty Sessions.

---

CIRCULAR TO MAGISTRATES AT PETTY SESSIONS.

*Faction Fights.*

*Dublin Castle, 18th June, 1861.*

GENTLEMEN,—The Lord Lieutenant's attention has been called to the fact that, in some counties in Ireland, the offence of faction fighting, which had happily disappeared, is again exhibiting itself.

It is of great importance that this practice should be at once checked, and that those engaged in it should be brought to justice; and his Excellency deems it advisable that, for the future, such cases should be sent to the Assizes for trial.

I am, Gentlemen, your obedient servant,

THOS. A. LARCOM.

---

*Publicans' Certificates.*—Justices to hold Sessions before 10th October for granting Certificates.

*Dublin Castle, 31st January, 1862.*

GENTLEMAN,—Representations having been made to the Commissioners of Inland Revenue, that in several districts in Ireland, considerable inconvenience has been caused by the certificates required to be signed by Justices in Petty Sessions in order to the renewal of licenses for the sale of spirits, &c., not having been signed until long after the proper time for the issue of the renewed licenses, I am directed by the Lord Lieutenant to call your attention to the necessity of some arrangements being made in every Petty Sessions district, which shall insure the examination of applications for certificates, and the signing of them, where there is no sufficient objection, on some day previous to the 10th of October, when the licenses expire. It will in many cases be advisable to adjourn the Petty Sessions to a day to be fixed for the purpose, of which notice should be published in the district, and when care should be taken that at least two Magistrates should attend.

I am, Gentlemen, your obedient servant,

THOS. A. LARCOM.

The Magistrates at Petty Sessions.

---

MEDICAL WITNESSES NOT TO BE PAID UNLESS WHERE EVIDENCE  
INDISPENSABLE.

*Dublin Castle, 28th August, 1865.*

GENTLEMEN,—Claims of Medical Practitioners for remuneration for attending as witnesses at Petty Sessions having recently become very numerous, and there being reason to believe that their evidence might be dispensed with in many cases in which they are summoned, without detriment to the administration of justice, I am directed by the Lord Lieutenant to inform you that no claim of a Medical witness will hereafter be admitted, unless it be satisfactorily shewn by the Magistrates that his evidence was indispensable for rightly disposing of the case.

I am also to call the attention of the Magistrates of the district, individually, to another subject connected with Medical claims—payment has been frequently claimed for Surgical attendance on a person severely assaulted, such attendance having been ordered by a Magistrate. In such cases the attendance of the Medical Officer of the Dispensary district should be procured by a Visiting Ticket, or if in any case of extraordinary urgency, such a Ticket cannot be procured without dangerous delay, it should be obtained before a second visit is made. Instructions to this effect have long since been issued to the Constabulary; and I am to state that no claim will be admitted in respect of any case in which the course here indicated has not been taken.

I am, Gentlemen, your obedient servant,

THOS. A. LARCOM.

---

ORDER of 30th NOVEMBER, 1866, as to the CANCELLING of PETTY SESSIONS STAMPS, by the LORD LIEUTENANT and GENERAL GOVERNOR of IRELAND.

---

**ABERCORN.**

By virtue and in pursuance of the powers and authorities vested in me by the provisions of the Petty Sessions Clerks' (Ireland) Act, 1858, the following general rules are hereby made for the purpose of carrying into effect the provisions of the said Act.

1. That the Stamp Duties payable under the provisions of said Act shall be denoted by the use of Adhesive Stamps.
2. For this purpose a uniform die has been prepared by the Commissioners of Inland Revenue, bearing on the face thereof the words "Petty Sessions, Ireland," and "Sixpence;" and the requisite amount of Stamp Duty is, in each case, to be denoted by affixing to the document as many of the Stamps struck from said die, as will together amount to and denote the sum set opposite to such document in the Schedule to the Act.
3. Whenever any Clerk of Petty Sessions, in the performance of his duty as such Clerk, shall affix one or more of said Petty Sessions Stamps to any of the documents enumerated in the Schedule to the said Act, it shall be his duty to cancel such Stamp or Stamps, by writing his name, and the date, conspicuously across it or them; and any Clerk who shall issue any such document without having previously cancelled the Stamp or Stamps thereon in manner aforesaid, will be liable to be dismissed, in addition to any proceeding that may be instituted against him under the 18th Section of said Act.
4. Whenever any Magistrate signs or countersigns any of the documents enumerated in the Schedule to the said Act, he shall, in case the Clerk of Petty Sessions has not already done so, cancel the Stamp or Stamps on such document, by writing his name, and the date, conspicuously across it or them.
5. The Four General as to Petty Sessions Stamps of the 27th December, 1858, are hereby revoked.

Given at Her Majesty's Castle in Dublin, the Thirtieth day of November, One Thousand Eight Hundred and Sixty-six.

By His Excellency's Command,

NAAS.

## ADDITIONS.

In connexion with the subject of Stating Case for Opinion of Superior Court, page 22, read the following:—

STANHOPE, *Appellant*;

THORSEY, *Respondent*.

*Common Pleas, England, Easter Term, 1866.*

It was decided that the recognizance required to be given by the appellant on a case stated by Justices under 20 & 21 Vic., c. 43, s. 3, need not be given within the three days mentioned in section 2, it is enough if this is done before the case is given out by the Justices.

At page 88. GAMES (*on Roads, Streets, &c.*), read—Penalty not exceeding 10s.; in default, &c., imprisonment not exceeding 14 days. 1 J.

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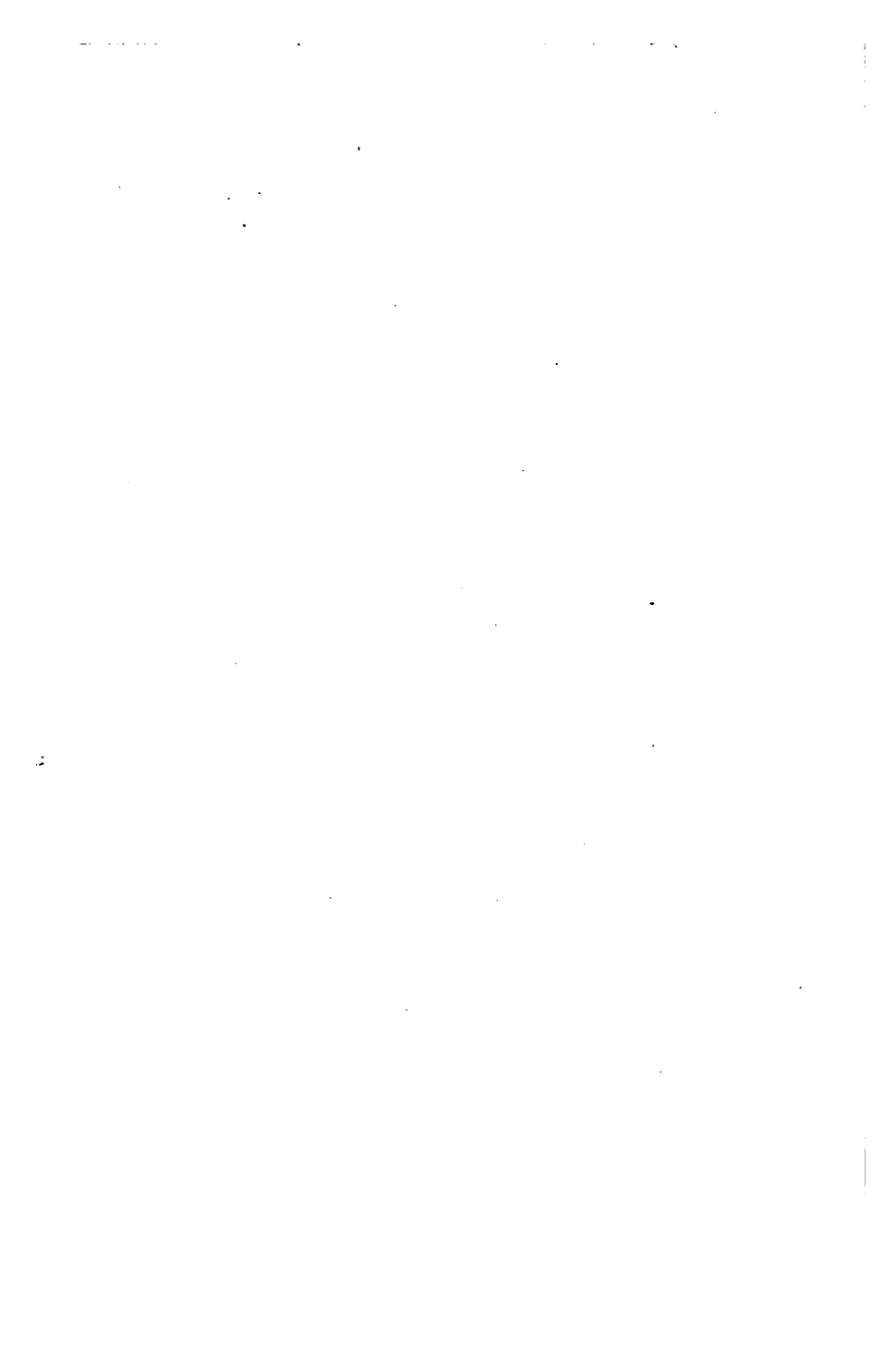
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